

***STATE OF ALASKA***

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

# ***ENFORCEMENT REPORT***



***Fiscal Year 2004***

Statewide Environmental Crimes Unit  
Department of Environmental Conservation  
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# Alaska Department of Environmental Conservation

## Enforcement Report Fiscal Year 2004



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## 1. Overview of Enforcement Process

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### I. Overview of the ADEC Enforcement Process

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#### ***INTRODUCTION:***

**T**his report provides an overview of the Alaska Department of Environmental Conservation's (ADEC) compliance and enforcement performance for fiscal year (FY) 2004. The purpose of this report is to document key elements of the department's enforcement and compliance activities. With this information, the department can establish strategies to assist in better targeting compliance and enforcement efforts.

The 11 programs reviewed in this report are:

- Air Non-Point and Mobile Sources Program
- Air Permits Program
- Drinking Water Program
- Solid Waste and Pesticide Program
- Sanitation and Food Safety Program
- Prevention and Emergency Response Program
- Contaminated Sites Program
- Industry Preparedness Program
- Wastewater Discharge Program
- Non-Point Source Pollution Control Program
- Environmental Crimes Unit

#### **Alaska:**

Alaska is a land of great opportunity and has a very unique environment. Its landmass is approximately 570,373 square miles, which is equivalent to one-fifth the size of the continental U.S. and over twice the size of Texas. Alaska has 3 million lakes, over 3,000 rivers and more coastline (47,300 miles) than the entire continental United States.

Because of its generous compliment of natural resources and natural wonders, residents, tourists and industry are attracted to this great land. Although Alaska is the largest state in the union, it has one of the smallest populations at only about 640,000 residents.

The primary industries of Alaska include oil, commercial fishing, tourism, mining, timber and agriculture. Because of its enormous size, remoteness and climatic conditions, conducting business in the 49<sup>th</sup> state can be challenging. Equally challenging, is the task of improving and protecting our natural resources, the environment, the public health, and the public's overall

## **1. Overview of Enforcement Process**

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economic and social well-being. The Alaska legislature has delegated the enforcement of laws governing the protection of water, land and air quality to the Alaska Department of Environmental Conservation.

The department believes there are six essential elements of a good regulatory program:

1. unambiguous statutory authority,
2. documented basis for concern,
3. protective standards,
4. rational regulatory scheme,
5. documented compliance, and
6. enforcement.

### **Enforcement Policy:**

Although the vast majority of the regulated community attempts to comply with the environmental laws, there are some who will not take the initiative to comply, or attempt to avoid the cost of lawful compliance, and therefore enforcement is a critical tool. Enforcement is used to ensure the existence of a "level playing field" for those who expend the resources to comply with the laws. For this reason, ADEC is committed to maintaining a regulatory staff of well-trained inspectors and enforcement officers.

### ***COMPLIANCE TOOLS:***

ADEC uses various tools or methods to ensure compliance with the environmental laws and regulations. Depending on the willingness and awareness of the regulated business or individual, one tool may be more suited than another.

### **Education:**

Education is offered by most programs to provide the regulated community with a clear understanding of the regulatory requirements. Some programs offer training classes to help those regulated to understand how to meet the conditions for compliance. Often advertisements are placed in the media to educate the public on special environmental or health concerns and what one can do to avoid becoming a violator. The department also offers other types of education including videos, brochures and interactive web pages.

### **Technical Assistance:**

Although ADEC no longer has a formal Compliance Assistance Program, technical assistance is made available to those who would seek and benefit from guidance. The technical staff within



## **1. Overview of Enforcement Process**

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each program will answer questions, interpret regulations and give advice where appropriate.

### **Administrative and Civil Enforcement:**

Noncompliance and violations are discovered in several ways: citizen complaints, referrals from other agencies, inspections, and self-reporting. When the regulatory staff discovers violations during inspections or self-reporting, the issues are normally addressed through administrative remedies to help return the entity to compliance. A Compliance Letter may be sent to address minor violations, and Notice of Violation (NOV) may be used to address more serious violations. The purposes for the NOV and the Compliance Letter are to provide formal notice to the respondent that ADEC believes a violation has occurred, and explain what is required to return to compliance. In addition to the NOV, other administrative, civil and criminal enforcement tools are discussed in Section II of this report.

### **Criminal Enforcement:**

Most criminal enforcement is requested by the regulatory programs to address the discovery of serious criminal violations. These requests/referrals are routed from the regulatory staff through their division director to the Chief Investigator of the Environmental Crimes Unit. The allegations are thoroughly investigated, and if determined to be credible, all evidence is collected and a Report of Investigation (ROI) is forwarded to the Environmental Crimes Unit Prosecutor. Only about 6% of the complaints reported to ADEC result in criminal investigations being conducted by the ECU.

The Environmental Crimes Unit is comprised of three criminal investigators from the Department of Environmental Conservation, and one Assistant Attorney General from the Department of Law. The investigators are state peace officers with traditional law enforcement training and backgrounds, and advanced training in environmental crimes investigations. They conduct criminal investigations, execute warrants, and to do all things necessary and customary for peace officers duly appointed by the state. The Assistant Attorney General is a prosecutor with the Office of Special Prosecutions & Appeals, and has statewide jurisdiction to prosecute environmental cases.

### ***ENFORCEMENT TRACKING:***

The Department's database designed to track all complaints and related enforcement actions, regardless of program, is called **CATS** (Complaint Automated Tracking System). The database provides a record of receipt and disposition of each complaint reported to ADEC. It also provides a record of each administrative, civil, and criminal enforcement action taken by ADEC against an offender. CATS provides cross program communications on enforcement issues that may have bearing on the following types of actions:

## 1. Overview of Enforcement Process

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**1. Issuing Permits** - prior to issuing a permit, the program should know if the future permittee is the subject of an ongoing ADEC enforcement action in any ADEC program. If the individual or facility is the subject of an enforcement action, it may have a bearing on the type of conditions placed into the permit, or the decision to issue a permit.

**2. Awarding Grants** - prior to awarding a grant, programs are required to verify that the requestor is not currently the subject of an ADEC enforcement action. If the individual is determined to be the subject of an enforcement action, he/she may be denied the grant.

**3. Enforcement Decisions:** - each time a facility or individual is determined to be out of compliance, ADEC is required to make a decision concerning the need for enforcement. If the individual or facility has no prior history of violations, the Department may elect to use an "informal" enforcement tool, such as a compliance letter, to remedy the situation. If on the other hand the violator has a documented history as a repeat violator, the Department may elect to be more aggressive in its enforcement effort.

Once a violator is convicted in a criminal case, often part of the sentence involves probation. The defendant may be ordered by the court not to violate any environmental laws during the probation period. The court then relies on ADEC to serve as the probation officer. The future violation does not have to be criminal, nor does it have to be in the program / media for which the offender was sentenced. For this reason it is very important that all administrative, civil and criminal violations be tracked efficiently to identify probation violations. Once a probation violation is identified, the prosecutor can file an action with the court to vacate the offender's probation.

The ECU Chief Investigator is overall responsible for the logging and tracking of all criminal enforcement cases referred to Environmental Crimes Unit. Each Division Director is responsible for ensuring that all administrative and civil enforcement actions taken by his/her division are properly logged and tracked in the CATS database.

## 2. Enforcement Tools

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### II. Enforcement Tools

#### *A) ADMINISTRATIVE AND CIVIL REMEDIES*

The Department's administrative remedies are non-judicial enforcement tools "administered" by the agency. These tools are less formal and outside the judicial system, generally simpler and less involved than judicial remedies, which usually involve the courts and often take months or years to process. Administrative remedies usually require the violator to agree to pay a civil assessment and reasonable agency costs and perform the necessary acts.

**1. Notice of Violation (NOV):** A Notice of Violation (NOV), is not an order but rather a mere notice to a person that a violation of the statutes, regulations, or permit condition occurred. The majority of enforcement work is started with the NOV. The NOV is issued when it is believed that formal notification is necessary to generate appropriate remedial response by the violator or to document a violation.

**2. Administrative Penalties:** Under 18 AAC 80.1200, ADEC may assess a penalty against an entity that violates or causes or permits to be violated a term or condition of 18 AAC 80, or a term or condition of an order, permit, approval, or certificate issued under 18 AAC 80. The penalty assessed will be stated in terms of dollars per day per violation in accordance with AS 46.03.761(g).

**3. Nuisance Abatement Order:** Under AS 46.03.800 and .810, ADEC can order a person to abate a water, air, or land nuisance. If the person neglects or refuses to follow the Nuisance Abatement Order (NAO), the violator can be charged with a class A misdemeanor. AS 46.03.800(b) and .810(b). Note that under § 810(b), an "officer" of ADEC must order the abatement. The Attorney General's Office recommends that only personnel designated by the Commissioner under AS 46.03.890 sign nuisance abatement orders under § 810. Historically, these abatement orders have been used rarely.

**4. Compliance Order By Consent:** A Compliance Order By Consent (COBC) is an enforceable agreement to resolve violations of environmental or health laws. The COBC is usually faster than the Compliance Order or any of the judicial enforcement tools to obtain. The COBC is often utilized when the violator agrees to perform certain task in order to operate while coming into compliance or conducting remediation and cleanup. The terms and conditions of a COBC are simply negotiated between the DEC and the violator with the assistance of an Assistant Attorney General.

## 2. Enforcement Tools

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**5. Compliance Orders:** A compliance order (CO) is a unilateral, non-judicial enforcement tool which establishes a step or series of steps that the violator must undertake in order to abate a violation. Executed as a Department Order, the department then refrains from judicial action unless additional violations occur or the terms of the compliance order are ignored by the responsible party. Compliance orders are very similar to the COBC, except that they are not consensual.

**6. Permit Revocation or Modification:** While many may not consider permits a part of enforcement, in fact they can be the focus for very effective enforcement. A member of the regulated community who requires a permit to operate will pay close attention when told that continued refusal to remedy a problem will result in a permit revocation action by the Department. A violation of a term or condition of a permit issued by the Department is in and of itself both a potential civil and criminal violation.

**7. Notice of Closure of Retail Food Establishment:** The Notice of Closure is an administrative enforcement tool that is somewhat similar to the Permit Revocation or Suspension. It is usually applied to food service establishments when they are operating without a valid permit, or they are operating in violation of 18 AAC under circumstances that may pose an imminent health threat to the public. Once the Notice of Closure is issued, the respondent is required to close the facility and cease all food operations immediately. If the respondent disagrees with the closing of his/her establishment, he/she can file for an appeal within 10 days after receiving the Notice of Closure. Further, at anytime the respondent may apply for re-inspection and reinstatement of his/her permit.

**8. Consent Decrees:** Consent decrees are very similar to COBC's except that the consent decree is filed in court and, once approved by the court as an agreed upon settlement, enforceable as a Court Order. A Consent Decree requires the initiation of a court action by the Attorney General's Office through the filing of a civil complaint. The Consent Decree can be filed at the same time the complaint is filed. Or, a consent decree can be filed at any point after filing the complaint and before final judgment by the court. Consent Decrees can include stipulated penalties, response actions, cost recovery provisions and payment of damages and civil assessments by the violator.

**9. Subpoena Powers:** The Department is empowered to issue administrative subpoenas to compel the attendance of witnesses and the production of accounts, books and other documents. This power enables the Department to conduct investigations into whether a violation occurred and to gather additional evidence of a violation. The Commissioner of DEC has delegated subpoena powers to several program managers within the Department. The subpoena can be signed and faxed, sent by certified mail, or hand - delivered. If a person fails to comply with a subpoena, an Assistant Attorney General may seek enforcement by the court under AS 44.62.590.

## 2. Enforcement Tools

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**10. Emergency Orders:** Emergency orders are extraordinary and powerful tools, as they temporarily abrogate the rights of the person upon whom the order is served. Emergency Orders must be signed by the Commissioner. The emergency order can be contested, but must be complied with by the violator until they are relieved of that obligation by a court.

Emergency orders are issued when a situation poses an immediate and serious threat to the public health and safety, or the environment. The emergency order is issued only in bona fide emergency situations. The violator who has received an emergency order may request a review hearing within 15 days of the effective date of the order.

**11. Civil Suits:** Civil actions may only be filed by an Assistant Attorney General representing the Department. There must be sufficient evidence available to prove the case in court. If the violation has not been documented, the case will probably be considered unacceptable and returned for further investigations.

**12. Temporary Restraining Orders and Preliminary Injunctions:** Preliminary injunctions and temporary restraining orders (TRO) are extraordinary court orders sought by the Department before trial for the purpose of protecting the public health or the environment from irreparable injury. The court can mold these orders to fit the unique circumstances of each situation. The court may require that certain actions be taken by the defendant, that certain standards be met, or that certain acts not be performed during the period before a trial can be held on the issues of the case.

**13. Permanent Injunctions:** Once the emergency is past, if there has been a ruling in favor of the ADEC on either a TRO or a preliminary injunction, ADEC may request a trial on a permanent injunction. The TRO or preliminary injunction may remain in effect until the trial is over. The outcome of the trial will determine whether the temporary injunction is dissolved or made permanent. At that trial both sides may present all relevant evidence. If the court rules for DEC, then a permanent injunction will be issued.

**14. Liens:** A lien under AS 46.08.075 is a document creating an interest in real or personal property that is filed in the recording district where the real property is located and is a public record. Liens are limited to securing the State's claim for reimbursement of state money spent to monitor or clean up an oil or hazardous substance when the liable party refuses or is unable to reimburse the state. The purpose of a lien is to secure the state's reasonable reimbursable cost and to place the world on notice that there is a claim against a certain piece of real and the personal property by the state.

**15. Suits for Damages:** Suits for damages are the kind of legal proceedings most of us are familiar with. These cases involve a request for payment of money to the DEC as a result of some harm caused by the defendant. All suits for damages require that an AAG handle the entire

## 2. Enforcement Tools

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proceeding, including the drafting, signing, and filing of all documents with the court. Damages is one of the factors in computing a civil assessment under AS 46.03.760.

**16. Settlement Agreements:** Settlement Agreements are negotiated and approved by the Attorney General's Office in consultation with the Department. A settlement agreement is a legally binding contract between a violator and the State to settle an action before or after filing a civil complaint. Settlement Agreements are generally used when further remedial actions are unnecessary to resolve a case and when the case does not warrant the filing of a consent decree.

### ***B) SUPPLEMENTAL ENVIRONMENTAL PROJECTS***

A Supplemental Environmental Project (SEP) is an alternative tool used to resolve enforcement issues with violators. A SEP is a project that prevents pollution, reduces the amount of pollution entering the environment, helps to educate the public on environmental matters, or improves the quality of the environment through reclamation or other activities.

### ***C) CRIMINAL ACTIONS***

In situations where proof of the occurrence of a violation is very strong, and at least criminal negligence has occurred, and the identity of the violator is clear, criminal charges may be contemplated. In criminal cases, fines can be assessed by the court and violators (other than corporations) can be imprisoned. While most ADEC environmental crimes are punishable in Alaska as misdemeanors, it is not unusual for traditional criminal felony offenses to be committed in conjunction with the environmental offense. An example is the hazardous waste disposal contractor who illegally dumps the waste he has agreed to legally process. This individual has committed environmental offenses, and may have also committed fraud against the company with which he contracted.

Environmental crimes generally are classified as "A" Misdemeanors. Misdemeanors may be charged by filing an "INFORMATION," "CRIMINAL COMPLAINT," or a "UNIFORM SUMMONS AND COMPLAINT." Persons convicted of Class A Misdemeanors face up to one year in jail and/or \$10,000 fine along with up to five years probation. The court may also order restitution of reimbursable costs. An organization, such as a corporation, convicted of a misdemeanor face up to a \$200,000 fine or two times the pecuniary gain.

Felonies are typically charged by Information or Complaint in the beginning. The defendant then has the right to be indicted by a grand jury. Once indicted the indictment becomes the charging instrument and replaces the original Information. In environmental crimes, the defendant is not usually charged first. Because there is less need to arrest an environmental defendant than someone who committed a serious assault, the ECU generally proceeds by indictment for felonies. Sentences for felonies range from \$5000 fines and no jail to life in

## **2. Enforcement Tools**

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prison without parole. For an organization, such as a corporation, maximum fines can easily approach half a million dollars in felony cases.

### 3. Enforcement and Compliance Data by Division/Program

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## III. Enforcement and Compliance Data By Division/Program

The below data summarizes each ADEC division / program's enforcement activities between fiscal years 2000 and 2004. This information was obtained from the Complaint Automated Tracking System (*C.A.T.S.*) and from the various program databases used to track compliance inspections. The data in *C.A.T.S.* may only be partial information, since some ADEC programs did not use *C.A.T.S.* for tracking their enforcement activities in fiscal years prior to 2004. Data for FY 2004 should be reflective of all ADEC enforcement activities. If there are questions concerning the program data, readers should contact the respective ADEC programs for their official records. Only those programs with enforcement responsibilities are reported.

### A. Division of Air Quality

**MISSION:** *Prevent, monitor, and control emissions into the air to protect the public health and the environment.*

The 1970 Clean Air Act established air quality programs to regulate air emissions for stationary, mobile and other sources, which pose a risk to human health and the environment. Alaska established its air quality program in the early 70's. Within this division, the responsibility for the protection of the state's air resources is divided into three major programs: 1) Air Non Point Mobile Sources Program; 2) Air Permits Program; and 3) Air Monitoring and Quality Assurance Program.

**1. Air Non-Point and Mobile Sources Program** – This program is responsible for regulating mobile sources and area sources of air contaminants. The mission of the Air Non-Point and Mobile Sources Program is to protect public health and the environment by working to achieve ambient air quality standards throughout Alaska.

- The Area Sources (AS) Group works to ensure the State of Alaska meets health based air quality standards to protect public health and the environment in a cost-effective accountable manner.
- The Mobile Sources Group is responsible for oversight and audits of the Inspection and Maintenance (I/M) Programs in Anchorage and Fairbanks for motor vehicles, and works with local communities on air quality impacts associated with transportation programs.



### 3. Enforcement and Compliance Data by Division/Program

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#### ***AIR NON- POINT AND MOBILE SOURCES ENFORCEMENT AND COMPLIANCE DATA:***

Mobile Sources Section – In previous years, both the Fairbanks North Star Borough (FNSB) and the Municipality of Anchorage (MOA) have been classified by the U.S. Environmental Protection Agency as non-attainment areas for carbon monoxide. A non-attainment area is defined as a geographic region which fails to meet the ambient air quality standard for a particular contaminant. Each area designated non-attainment is also classified by operation of law as either “moderate” or “serious”. The FNSB was initially designated as a moderate non-attainment area. A carbon monoxide inventory conducted in FNSB determined the principle source of the carbon monoxide pollution was from motor vehicle exhaust. To abate the problem, the FNSB and ADEC developed and implemented several substantial control measures. Some of those measures included a pass/fail vehicle emissions test program and reducing cold starts through the use of engine block heaters. In spite of those efforts, on December 31, 1995, the FNSB was reclassified from moderate to serious non-attainment area by operation of law.

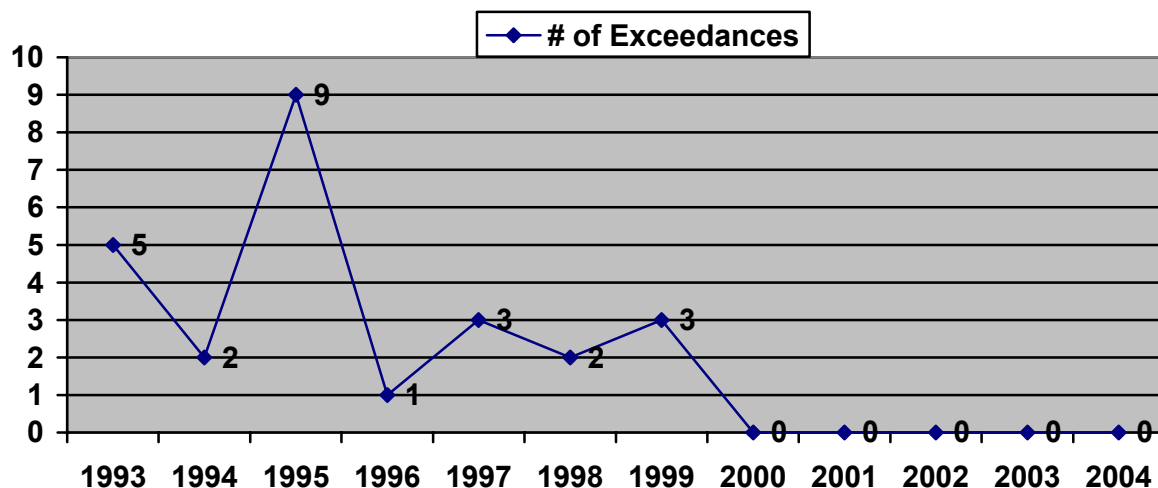
#### ***FAIRBANKS AIR QUALITY HISTORY – TIMELINE (Provided by the Fairbanks North Star Borough Air Quality Program)***

1968-1970	Arctic Health Institute researchers identify air pollution problems in Fairbanks, especially levels of carbon monoxide which exceeded National Ambient Air Quality Standards (NAAQS).
1972	Permanent monitoring of CO begun by FNSB.
1974	168 violations of the 8-hour NAAQS for carbon monoxide recorded for the year in Fairbanks.
1982-1983	Ambient air monitoring by mobile lab shows no other priority pollutants, including lead, in violation of NAAQS.
1984	FNSB Assembly votes to initiate annual I/M emissions testing of vehicles as primary control measure to lower CO emissions.
1985	FNSB begins I/M program. 38 violations of CO standard recorded for the year.
1990	Congress passes Clean Air Act Amendments of 1990. Detailed and extensive law classifies Fairbanks as a “moderate” CO non-attainment area, with a deadline to achieve attainment by December 31, 1995. Clean Air Act also calls for the mandatory use of oxygenated fuels in CO non-attainment areas starting in winter of 92-93, to further reduce CO emissions. Only two violations of the CO standard recorded during the year.

### 3. Enforcement and Compliance Data by Division/Program

1992	Oxygenated fuels with MTBE introduced in Fairbanks and Anchorage in October. Public outcry in Fairbanks due to perceived health effects from MTBE results in Governor Hickel suspending oxyfuel program in mid-December.
1995	Fairbanks fails to achieve attainment by mandated deadline. Nine violations of the CO standard recorded, most due to persistent strong inversions lasting several days.
1996	Alaska state legislature passes law calling for biennial I/M inspections instead of annual.
1997	EPA reclassifies Fairbanks as “serious” non-attainment area as mandated by CAA of 1990, for failing to achieve attainment by 1995 deadline. Reclassification requires Fairbanks to develop new strategies for attainment by December 31, 2000. Three violations of CO standard.

#### FAIRBANKS YEARLY CARBON MONOXIDE EXCEEDANCES



Two exceedances in one year constitute a violation. In 1996 and between 2000 and 2004 the Mobile Sources Program & the Environmental Crimes Unit conducted enforcement initiatives in the Fairbanks North Star Borough. During the periods in which those initiatives were active, the FNSB did not have one violation. Due to the improvements in the air quality of the FNSB, in September 2004 the EPA reclassified the FNSB from a serious non-attainment area to a maintenance area.

### 3. Enforcement and Compliance Data by Division/Program

**a. Regulated Community:** The Mobile Sources program is responsible for ensuring that all vehicles operating within a non-attainment area are in compliance with the federal emissions standards. Even though the Municipality of Anchorage and the Fairbanks North Star Borough are the implementing agencies for the I/M programs, the Mobile Sources Program has oversight in the regulation of all I/M Test Facilities and Certified I/M Mechanics who perform tests on subject vehicles.

**I/M Subject Vehicles:** Within the Fairbanks North Star Borough, a vehicle with a model year of 1975 or newer is required to undergo and pass a valid I/M inspection and obtain an I/M Certificate of Inspection or Inspection Decal. Within the Municipality of Anchorage, a vehicle with a model year of 1968 or newer is required to undergo and pass a valid I/M inspection and obtain an I/M Certificate of Inspection or Inspection Decal. Additionally, vehicles used to commute into the MOA are subject to the I/M test requirements. Vehicles under two years old are exempt from I/M testing requirements.

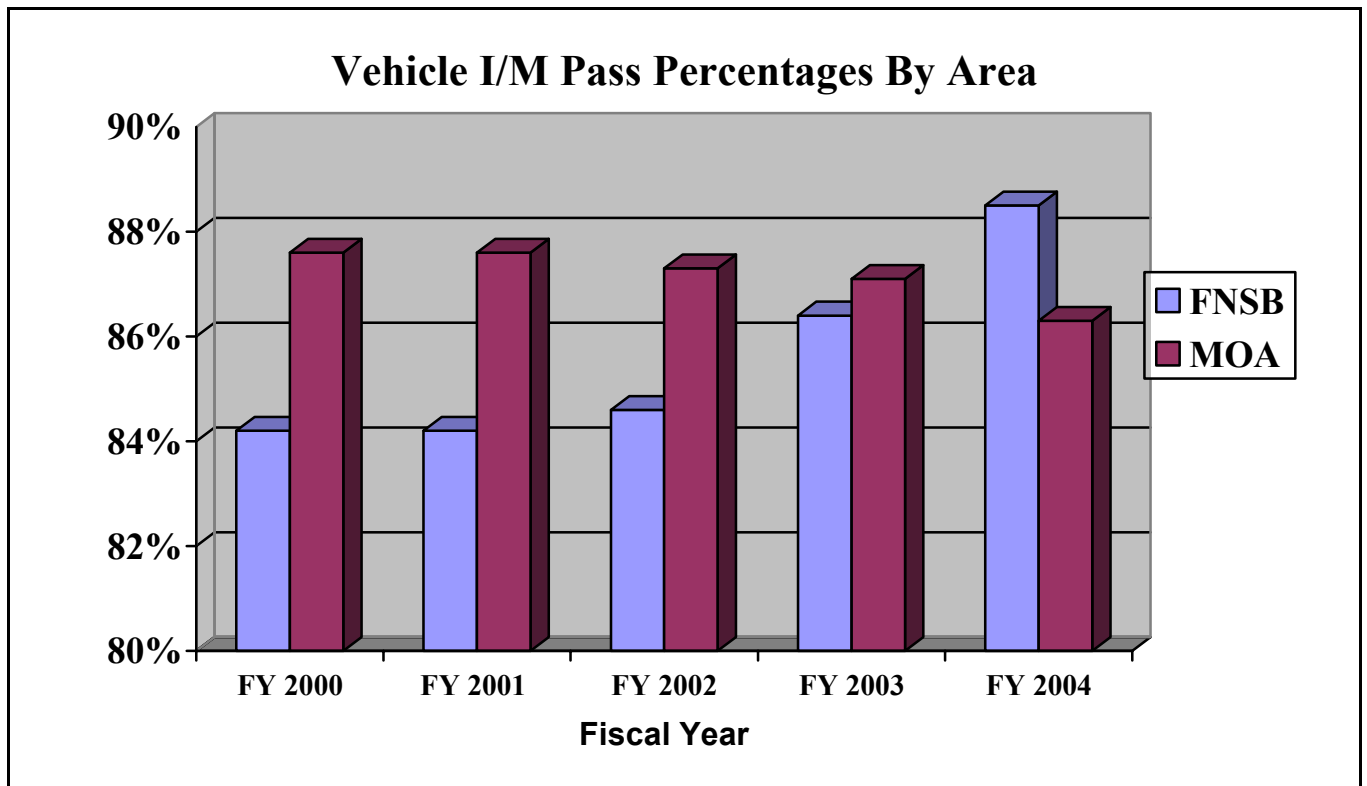
**I/M Test Stations:** Automotive facilities which have been certified by the implementing agency (Fairbanks North Star Borough or the Municipality of Anchorage) to administer I/M testing on subject vehicles and issue I/M Certificates of Inspections. All facilities seeking certification as an I/M Test Station must meet the requirements as outlined under 18 AAC 52.415.

**I/M Mechanics:** Automotive mechanics who have been certified by the implementing agency (Fairbanks North Star Borough or the Municipality of Anchorage) to administer I/M testing on subject vehicles and issue I/M Certificates of Inspections. All mechanics seeking certification as an I/M mechanic must meet the requirements as outlined under 18 AAC 52.400. The administration of certification or revocation is handled by the implementing agency (FNSB or MOA).

**Table 3-1** Data obtained from the Mobile Source Section.

<b>MOBILE SOURCES REGULATED COMMUNITY</b>										
<b>VEHICLES SUBJECT TO I/M TESTING</b>	<b>FY 2004</b>		<b>FY 2003</b>		<b>FY 2002</b>		<b>FY 2001</b>		<b>FY 2000</b>	
	<b>Tested</b>	<b>% Passed</b>	<b>Tested</b>	<b>% Passed</b>	<b>Tested</b>	<b>% Passed</b>	<b>Tested</b>	<b>% Passed</b>	<b>Tested</b>	<b>% Passed</b>
FNSB I/M Subject Vehicles	31,688	88.5%	35,299	86.4%	34,404	84.6%	33,194	84.2%	32,946	84.2 %
MOA I/M Subject Vehicles	109,096	86.3%	114,211	87.1%	106,954	87.3%	103,356	87.6%	102,978	87.6%
Data includes multiple tests per vehicle. FNSB model years 1974 and newer, MOA model years 1968 and newer.										

### 3. Enforcement and Compliance Data by Division/Program



- b. **Mobile Sources Violations:** Summary of the alleged violations relating to the Mobile Sources Program that were investigated by ADEC inspection or enforcement staff.

**Table 3-2** Data obtained from CATS.

<b>MOBILE SOURCES VIOLATIONS FY 2004 - 2000</b>							
Code	Statute / Reg.	Offense	2004	2003	2002	2001	2000
06A1	AS 46.14.510	AIR: Motor Vehicle Pollution - Violation	1	15	7	1	0
06A1A	18 AAC 52.005(b)	AIR: Failure to Obtain a Valid I/M Certificate	188	412	41	64	35
06A1B	AS 28.10.481	AIR: Violation of I/M Seasonal Waiver Certificate	14	55	50	34	12
06A1C	18 AAC 52.005	AIR: Failure to Meet Vehicle Emissions Standards	0	1	1	0	1
06A1D	18 AAC 52.065	AIR: Failure to Make Annual Emission Related Repair Cost	0	3	0	0	1
06A1E	18 AAC 52.085	AIR: Unlawful Vehicle Modifications (I/M)	0	0	1	0	1
06A1F	18 AAC 52.105(e)	AIR: Failure to Follow I/M Test Procedures	0	0	4	2	1
06A1G	18 AAC 52.015	AIR: Motor Vehicle Pollution: Visible Emissions	47	30	33	15	5
06A1H	18 AAC 52.020	AIR: Failure to Display Visible Inspection Certificate	0	1	0	0	0
<b>YEARLY TOTAL</b>			<b>250</b>	<b>517</b>	<b>137</b>	<b>116</b>	<b>56</b>

The most common modus operandi used by I/M evaders:

- a. **Expired License Plates:** Vehicles subject to the I/M inspection program are required to submit an I/M Certificate of Inspection before DMV will renew the vehicle's

### 3. Enforcement and Compliance Data by Division/Program

registration. Often vehicle operators evade the I/M program by continuing to operate the vehicle on expired plates when they have been unable to obtain a passing I/M.

- b. **Seasonal Waiver Violators:** Operators may request Seasonal Waivers that allows limited operation of a non-certificated vehicle in an I/M area. In the waiver application, the owner signs an agreement not to operate the vehicle in a non-attainment area between 1 November and 31 March of each year. Those months are referred to as the "I/M Season" because those are the months wherein air quality violations are most likely to occur. Often an evader will obtain a Seasonal Waiver on a vehicle that will not pass the I/M inspection, then continue to operate the failed vehicle in a non-attainment area during the I/M Season.
- c. **Falsification of Vehicle Registration with DMV:** Operators also evade the I/M program by claiming to reside outside the non-attainment area when registering their vehicle(s) with the Division of Motor Vehicles. By claiming to reside outside the I/M area, DMV does not require evidence of a passed I/M inspection before registering or renewing a registration. This practice is punishable as a felony under Alaska Statutes.
- d. **Clean Piping:** This is an illegal practice used by unscrupulous I/M Mechanics to issue fraudulent I/M Certificates of Inspection to vehicles that will not pass the I/M test. The mechanic enters the identifying data of the failing vehicle into the I/M test analyzer then connects the tailpipe probe into a known clean vehicle. He falsifies the visual inspection and uses the clean vehicle's tailpipe emissions to obtain a passing test score on the analyzer.

3. **Mobile Sources Enforcement Actions:** Summary of administrative civil and criminal enforcement actions taken by ADEC for violations of the Mobile Sources regulations. Data obtained from CATS.

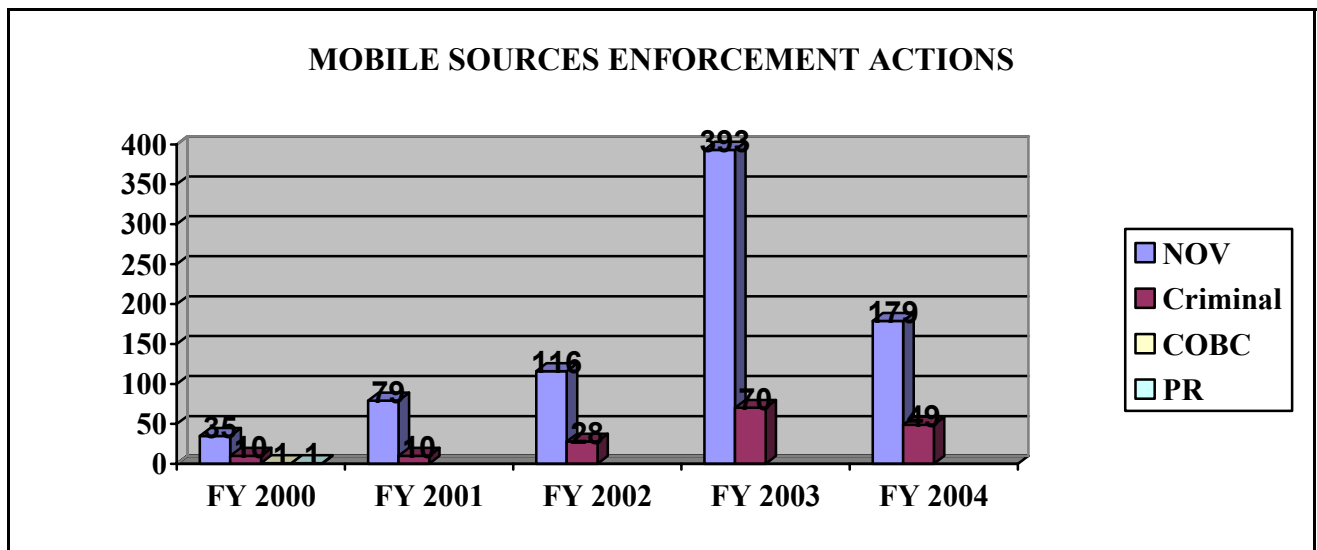
**Table 3-3** Data obtained from CATS.

<b>MOBILE SOURCES ENFORCEMENT ACTIONS</b>												
<b>FY 2004 - 2000</b>												
<b>FISCAL YEAR</b>	<b>NOV</b>	<b>NAO</b>	<b>NOC</b>	<b>COBC</b>	<b>NOD</b>	<b>PR</b>	<b>SEP</b>	<b>AD</b>	<b>EO</b>	<b>CS</b>	<b>CR</b>	<b>Admin / Civil Penalties</b>
<b>2004</b>	179	0	0	0	0	0	0	0	0	0	49	<b>0</b>
<b>2003</b>	393	0	0	0	0	0	0	0	0	0	70	<b>0</b>
<b>2002</b>	116	0	0	0	0	0	0	0	0	0	28	<b>0</b>
<b>2001</b>	79	0	0	0	0	0	0	0	0	0	10	<b>0</b>
<b>2000</b>	35	0	0	1	0	1	0	0	0	0	10	<b>0</b>
<b>Avg.</b>	<b>160.4</b>	<b>0.0</b>	<b>0.0</b>	<b>0.2</b>	<b>0.0</b>	<b>0.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>33.4</b>	<b>0</b>
NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral; CR= Criminal Referral.												

**Note:** More than one enforcement action may have been taken in a single complaint.

### 3. Enforcement and Compliance Data by Division/Program

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**2. Air Permits Program** – The Air Permits Program is responsible for managing air pollution from industrial activities such as oil exploration and production, mining, forest products, electrical power production, paving, fish processing, municipal waste disposal, and open burning practices.

The Air Permit Program mission is to protect the Alaskan environment by ensuring that air emissions from industrial operations in the state do not create unhealthy air. This is accomplished through permitting actions and compliance assurance inspections.

- Develop air pollution regulations to meet the requirements of the Clean Air Act and Alaska Statutes.
- Monitor the compliance status of industrial facilities with air pollution regulations and standards by performing on-site inspections and using enforcement actions when necessary.
- Respond to public air pollution complaints.
- Issue construction permits to ensure that new and expanding facilities meet air pollution regulations and standards.
- Issue operating permits to facilities that require operators to monitor compliance with applicable standards.
- Issue general permits to help small businesses meet air pollution obligations.

### 3. Enforcement and Compliance Data by Division/Program

#### ***AIR PERMITS ENFORCEMENT AND COMPLIANCE DATA:***

a. **Regulated Community:** During FY 2004 the Air Permits Programs had approximately 521 permitted facilities that it regulated. In addition to the permitted facilities it responded to and investigated numerous air related complaints involving un-permitted facilities or sites. During FY 2004 the Air Permits Program conducted 102 inspections of permitted facilities and found that approximately 13% of those facilities had serious noncompliance issues that required administrative, civil and/or criminal enforcement action.

**Table 3-4** Data obtained from Air Permits Program.

<b><i>AIR PERMITS REGULATED COMMUNITY</i></b>								
SECTOR	NUMBER OF PERMITTED FACILITIES	NUMBER OF INSPECTIONS PER FISCAL YEAR					2004 ENFORCEMENT ACTIONS	2004 COMPLIANCE RATES
		2004	2003	2002	2001	2000		
Oil & Gas Production	89	47	2	4	31	6	2	96%
Oil Refiners	4	0	0	3	1	3	0	N/A
Power Plants	144	31	19	18	14	7	1	97%
Incinerators	6	3	5	0	4	1	3	0%
Mining Facilities	6	4	0	3	3	2	0	100%
Thermal Remediation	6	2	1	1	0	1	0	100%
Dry Cleaners	17	1	0	0	0	0	2	
Rock Crushers	14	1	0	1	1	1	0	100%
Bulk Fuel Facilities	28	3	0	0	0	4	0	100%
Landfills	1	0	0	0	0	0	0	N/A
Tanker Vessels	0	0	0	0	0	0	0	N/A
Seafood Processors	40	0	26	8	5	3	1	N/A
Asphalt Plants	38	1	3	5	2	8	1	0%
Other	128	9	5	6	4	8	3	66%
<b>Total</b>	<b>521</b>	<b>102</b>	<b>61</b>	<b>49</b>	<b>65</b>	<b>44</b>	<b>13</b>	<b>87%</b>
<b>Enforcement Actions on Un-permitted Facilities</b>							<b>1</b>	
<b>Total 2004 Enforcement Actions</b>							<b>14</b>	
<b>2004 Enforcement Actions</b> – The facility was the subject of an administrative, civil or criminal enforcement action during FY 2004. The action may have been initiated in a previous year but was still ongoing during 2004. <b>FY 2004 Compliance Rate</b> – Expressed as a percentage of enforcement actions issued versus inspections conducted in 2004. This measure is unreliable to infer compliance rates for un-inspected sites.								

### 3. Enforcement and Compliance Data by Division/Program

**b. Air Permits Violations:** During FY 2004 the Air Permits Program investigated 217 complaints involving 238 alleged air violations.

**Table 3-5** *Data obtained from CATS.*

<b>AIR PERMITS VIOLATIONS FY 2004 - 2000</b>							
<b>Code</b>	<b>Statute / Reg.</b>	<b>Offense</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>
060	18 AAC 50.110	AIR POLLUTION PROHIBITED	11	26	23	14	8
0600	AS 46.03.810	AIR POLLUTION: Nuisance Violation	12	26	22	25	6
060A	AS 46.03.810	AIR POLLUTION: Nuisance (Odors)	11	17	23	21	11
060A1	AS 46.03.150	AIR POLLUTION: Air Emission Reporting Requirements	6	0	15	6	11
06B	18 AAC 50.050	AIR POLLUTION: Opacity Violation	8	8	5	9	14
06B0	18 AAC 50.030	AIR POLLUTION: Open Burn	26	18	35	49	4
06B1	18 AAC 50.030	AIR POLLUTION: Open Burn (Black Smoke)	6	10	27	5	5
06B2	18 AAC 50.030	AIR POLLUTION: Black Smoke	6	6	11	27	10
06B3	18 AAC 50.065	AIR POLLUTION: Toxic & Acid Gases & Particulate Matter	1	4	0	0	0
06BC	18 AAC 50.070	Air Pollution - Marine Vessel Visible Emissions	1	5	12	50	5
06C	AS 46.03.710	AIR POLLUTION: Emission of Air Contaminants	5	7	7	8	7
06D	18 AAC 50.050	AIR POLLUTION: Violation of Permit Conditions	62	42	33	44	51
06D1	18 AAC 50.	AIR POLLUTION: Operating W/O Air Permit or Application	11	14	5	8	8
06D2	18 AAC 50.050	AIR POLLUTION: Violation of Permit Cond. (self reported)	3	4	5	3	1
06E	AS 46.03.790	AIR POLLUTION: Tampering w/Monitoring Equipment	0	0	0	0	0
06F	AS 46.03.790	AIR POLLUTION: Falsifying Reporting Data	1	0	3	1	1
06G	AS 46.03.710	AIR POLLUTION: Fugitive Dust	8	10	15	13	7
06X	18 AAC	AIR POLLUTION VIOLATION: Other	60	76	47	24	9
<b>YEARLY TOTAL</b>			<b>238</b>	<b>273</b>	<b>288</b>	<b>307</b>	<b>158</b>

**c. Air Permits Enforcement Actions:** Summary of administrative, civil, and criminal enforcement actions taken by ADEC for violations of Air Permit regulations.

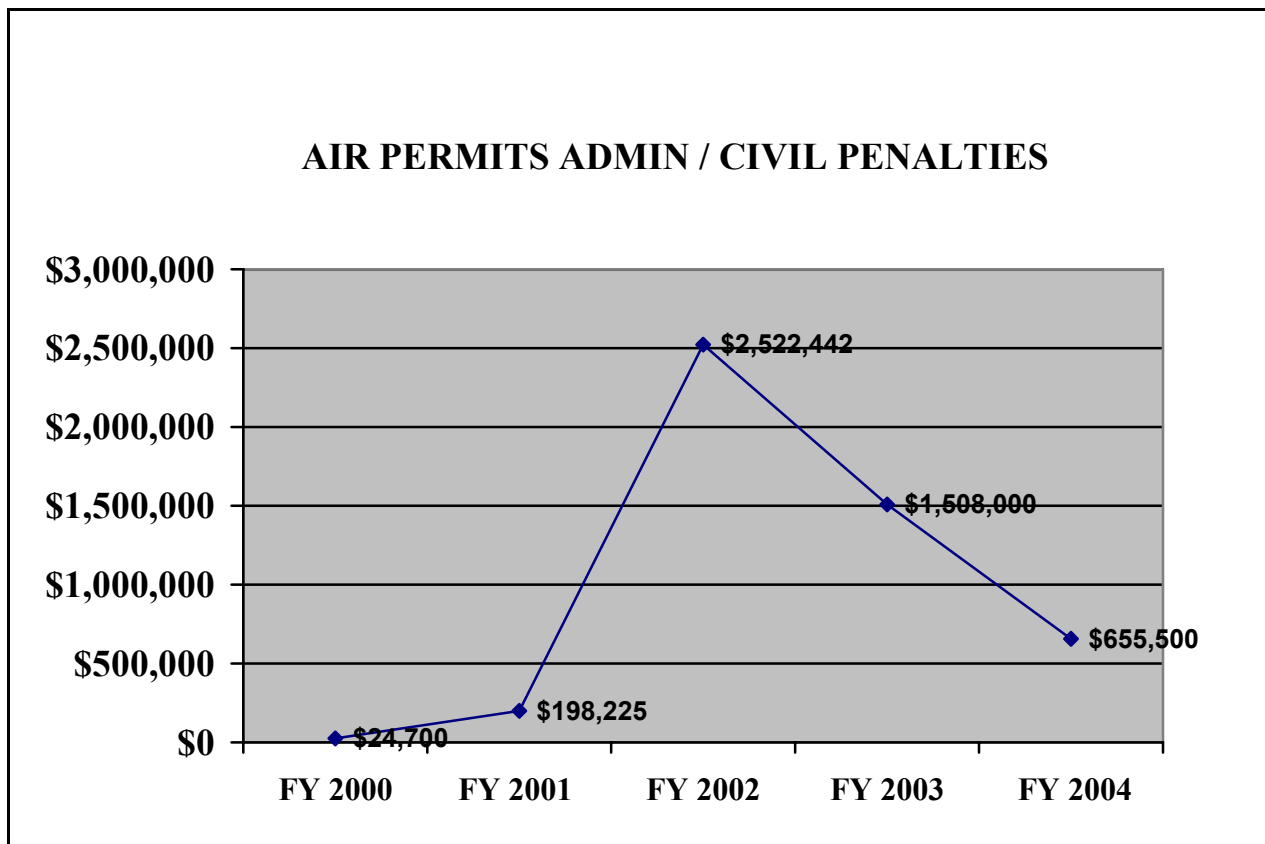
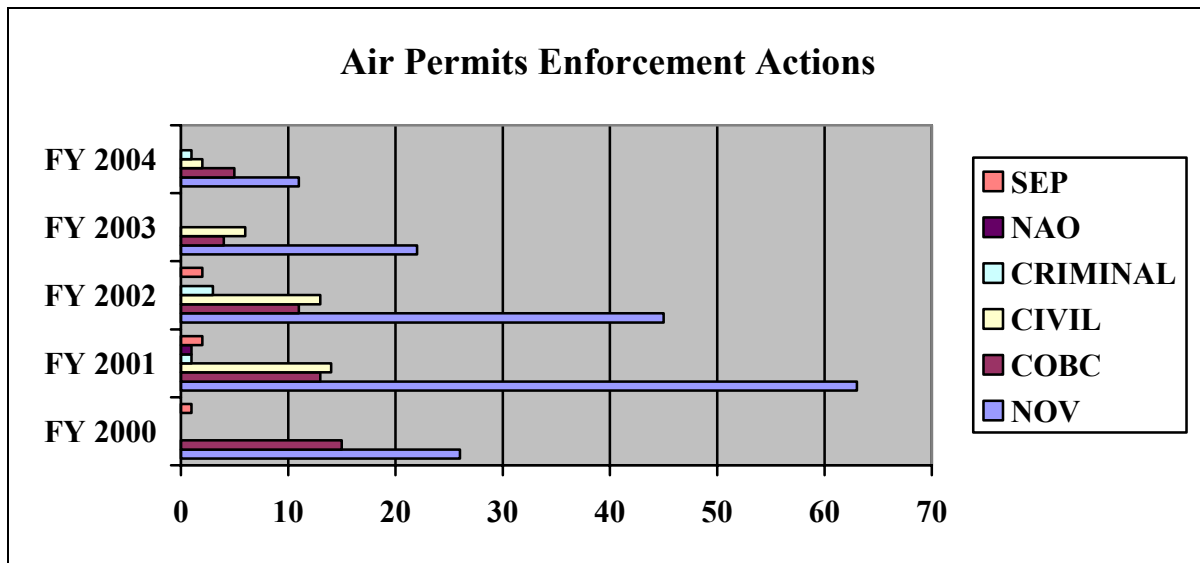
**Table 3-6** *Data obtained from CATS.*

<b>AIR PERMITS PROGRAM ENFORCEMENT ACTIONS FY 2004 - 2000</b>												
<b>FISCAL YEAR</b>	<b>NOV</b>	<b>NAO</b>	<b>NOC</b>	<b>COBC</b>	<b>NOD</b>	<b>PR</b>	<b>SEP</b>	<b>AD</b>	<b>EO</b>	<b>CS</b>	<b>CR</b>	<b>Admin / Civil Penalties</b>
<b>2004</b>	7	0	0	5	0	0	0	0	0	2	0	<b>\$655,500.00</b>
<b>2003</b>	22	0	0	4	0	0	0	0	0	6	0	<b>\$1,508,000.00</b>
<b>2002</b>	45	0	0	11	0	0	2	0	0	13	3	<b>\$2,522,442.00</b>
<b>2001</b>	62	1	0	13	0	0	2	0	0	14	1	<b>\$198,225.00</b>
<b>2000</b>	26	0	0	14	0	0	1	0	0	0	0	<b>\$24,700.00</b>
<b>Avg.</b>	<b>32.4</b>	<b>0.2</b>	<b>0</b>	<b>9.4</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>0.8</b>	<b>\$981,773.400</b>
<b>NOV=</b> Notice of Violation; <b>NAO=</b> Nuisance Abatement Order; <b>NOC=</b> Notice of Closure; <b>COBC=</b> Compliance Order By Consent; <b>NOD=</b> Notice of Detention; <b>PR=</b> Permit Revocation or Suspension; <b>SEP=</b> Supplemental Environmental Project; <b>AD=</b> Administrative Cost Recovery or Penalty; <b>EO=</b> Emergency Order; <b>CS=</b> Civil Referral; <b>CR=</b> Criminal Referral.												

**Note:** More than one enforcement action may have been taken in a single complaint.



### 3. Enforcement and Compliance Data by Division/Program



### 3. Enforcement and Compliance Data by Division/Program

## ***DIVISION OF AIR QUALITY ADMINISTRATIVE AND CIVIL ENFORCEMENT SUMMARY***

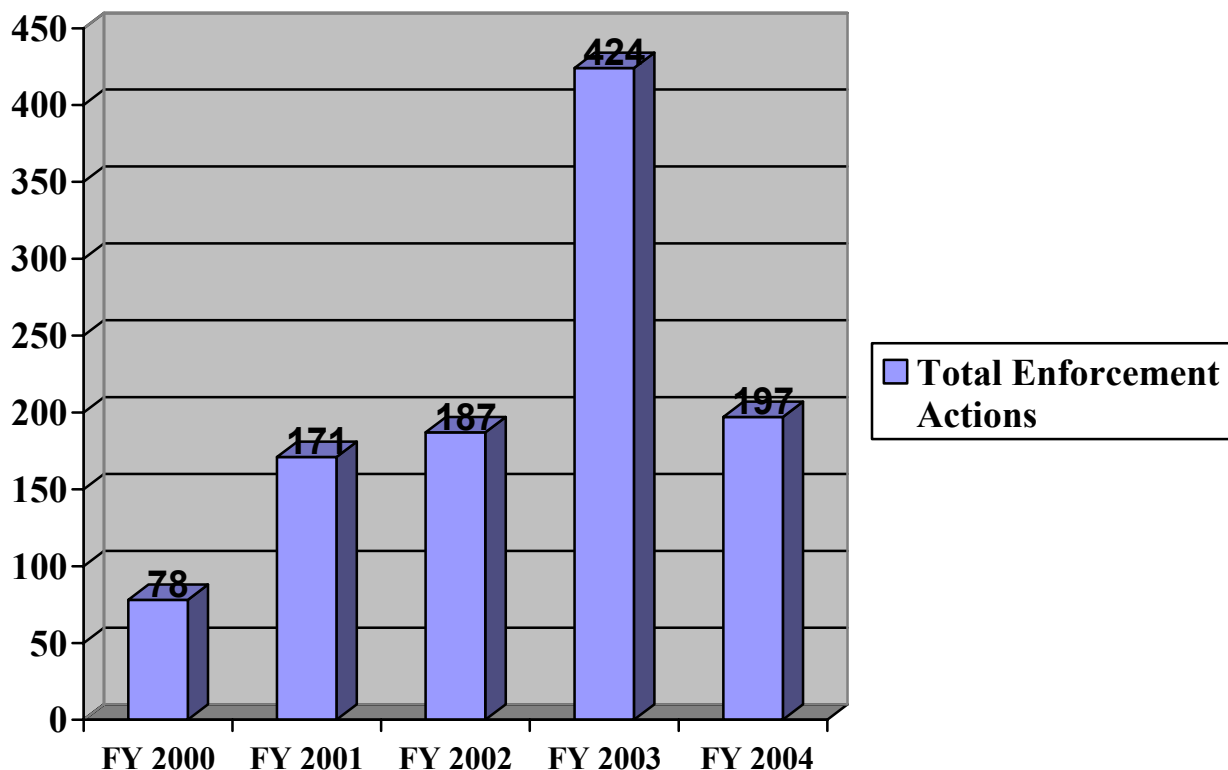
*December 21, 2004*

**Table 3-7** Summary of administrative and civil enforcement actions taken by the Division of Air Quality between FY 2000 – FY 2004.

FISCAL YEAR	NOV	NAO	NOC	COBC	NOD	PR	SEP	AD	EO	CS	TOTAL
FY 2004	186	0	0	5	0	0	0	0	0	2	193
FY 2003	415	0	0	3	0	0	0	0	0	6	424
FY 2002	161	0	0	11	0	0	2	0	0	13	187
FY 2001	141	1	0	13	0	0	2	0	0	14	171
FY 2000	61	0	0	15	0	1	1	0	0	0	78
<b>Division Total</b>	<b>964</b>	<b>1</b>	<b>0</b>	<b>47</b>	<b>0</b>	<b>1</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>35</b>	<b>1053</b>

NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral

**Note:** More than one enforcement action may have been taken in a single complaint.



### 3. Enforcement and Compliance Data by Division/Program

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#### **B. Division of Environmental Health**

**MISSION:** *The Division of Environmental Health is Safe Water, Safe Food, and Healthy Communities. This mission is accomplished through the Environmental Health Programs listed below:*

**1. Drinking Water Program** – The Drinking Water Program is responsible for requiring that the public water systems (PWS) provide safe water, and achieve and maintain compliance.

The Drinking Water Program is responsible for requiring that PWS that supply water for public consumption to meet minimum health standards, including those of the federal Safe Drinking Water Act. Alaska has had primary enforcement responsibility of the federal program since 1978. Engineers, specialists, and management staff provide guidance on design, installation and maintenance of drinking water and other related facilities. They review project descriptions and engineered plans for new and modified systems to require compliance with acceptable standards to protect human health and minimize environmental degradation. Staff also provide access to office files on local public drinking water systems, as well as compliance and technical assistance and workshops on regulatory, engineering and public health-related issues.

- Require that suppliers test drinking water as required for regulated contaminants.
- Review test results from public water suppliers and specify corrective measures where contamination is indicated.
- Approve new public water systems and modifications to existing ones, provide design assistance, approve the certification of third party sanitary survey inspectors of Alaska PWS, and certify installers for on-lot septic systems.
- Regulate minimum health standards and procedures for design, construction and operation of Alaska's 1,700 class "A" and "B" public drinking water systems.
- Implement a rural drinking water compliance strategy to better assist rural Alaska water systems in providing consistently safe drinking water.
- Provide information about contaminated monitoring and sampling procedures for public water systems and/or private wells.
- Respond to complaints of contaminated or damaged drinking water wells and impacted watersheds used a source of drinking water by a PWS.
- Maintain a statewide database with monitoring, compliance, and enforcement information on Alaska's public drinking water systems.
- Respond to confirmed waterborne disease outbreaks and incidents of illness from PWS owners, operators, and customers, as well as overflowing sewage systems.
- Provide workshops on wellhead protection and source water assessments for public water systems.

### 3. Enforcement and Compliance Data by Division/Program

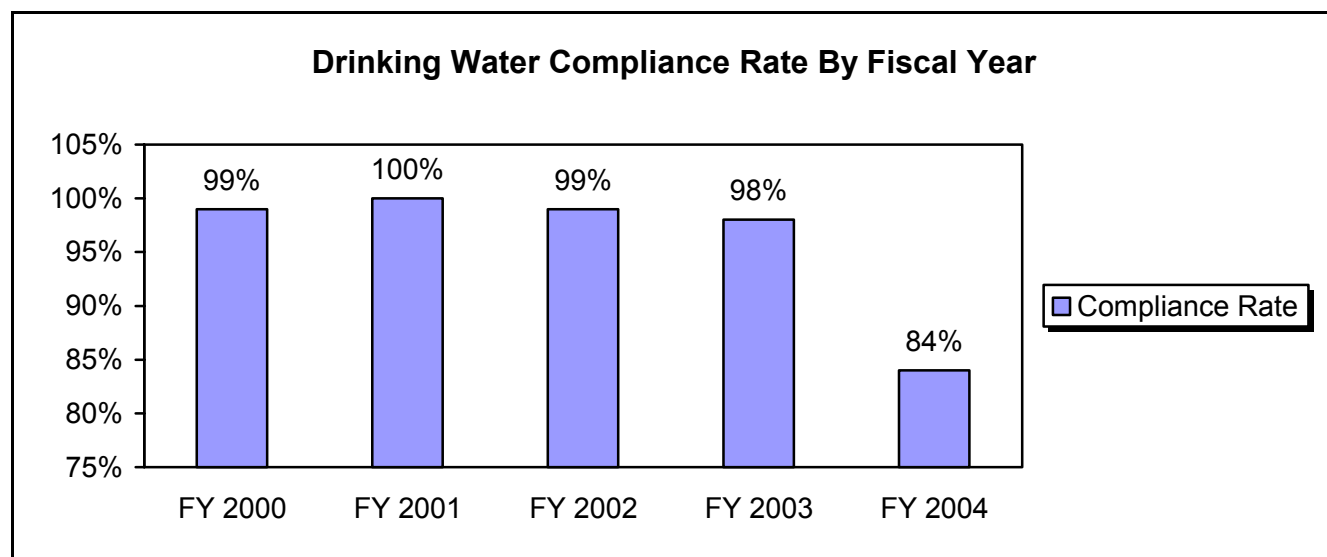
#### ***DRINKING WATER ENFORCEMENT AND COMPLIANCE DATA:***

a. **Regulated Community:** During FY 2004 the Drinking Water Program was responsible for oversight and requiring that approximately 1700 class “A” and class “B” drinking water systems were in compliance with the state Drinking Water regulations, 18 AAC 80. During FY 2004 the Drinking Water Program, using staff and ADEC-approved third party inspectors, completed 253 Sanitary Surveys of approved facilities and found that approximately 16% of those facilities had serious noncompliance issues that required administrative, civil and/or criminal enforcement action.

**Table 3-8** *Data obtained from Drinking Water Program & CATS.*

Table 3.8 Data obtained from Drinking Water Program & CWS.

DRINKING WATER REGULATED COMMUNITY							
Fiscal Year	TYPE DRINKING WATER SYSTEM NUMBER OF SANITARY SURVEYS PER FISCAL YEAR						Yearly Overall Compliance Rate
	Class A DW Systems			Class B DW Systems			
	Sanitary Surveys	Enforcement Actions	Compliance Rate	Sanitary Surveys	Enforcement Actions	Compliance Rate	
FY 2004	112	18	84%	141	23	84%	84%
FY 2003	144	4	97%	121	1	99%	98%
FY 2002	184	0	100%	75	1	99%	99%
FY 2001	89	0	100%	102	0	100%	100%
FY 2000	44	0	100%	276	1	99%	99%
Total	573	22	96%	715	26	96%	96%
Enforcement Actions - Number of Enforcement Actions (Notice of Violations and Compliance Orders By Consent)							
Compliance Rates - Expressed as a percentage of enforcement actions” versus number of sanitary surveys conducted each FY.							



### 3. Enforcement and Compliance Data by Division/Program

**b. Drinking Water Violations:** Summary of the alleged violations relating to the Drinking Water Program that were investigated by ADEC inspection or enforcement staff.

**Table 3-9** *Data obtained from CATS.*

<b>DRINKING WATER VIOLATIONS FY 2004 - 2000</b>							
<b>Code</b>	<b>Statute / Reg.</b>	<b>Offense</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>
04A	18 AAC 80.200	DRINKING WATER: Sys Instal W/O Plan Approval	4	0	2	0	1
04A1	18 AAC 80.020	DRINKING WATER: Minimum Separation Distance	1	0	0	0	0
04B	18 AAC 80.310	DRINKING WATER: Failure To Monitor as Required	27	3	0	0	0
04B1	18 AAC 80.015	DRINKING WATER: Violation of Source Protection	0	0	0	0	0
04B4	18 AAC 80.230	DRINKING WATER: No Qualified Operator for Fluoridated Sy	0	0	0	0	0
04C	18 AAC 80.070	DRINKING WATER: Serving Contaminated Water	2	0	0	1	0
04D	18 AAC 80.200	DRINKING WATER: Falsifying Water Treatment Reports	0	0	1	1	0
04E	18 AAC 80.025	DRINKING WATER: Cross-Connections Prohibited	2	1	1	0	1
04E2	18 AAC 74.010	DRINKING WATER: Failure to Provide Certified Operator	6	0	1	0	0
04F	18 AAC 80.200	DRINKING WATER: Sys Operated W/O Operation Approval	9	2	0	0	0
04G	18 AAC 80.620	DRINKING WATER - Failure to Obtain Sanitary Survey	6	1	0	0	0
04H	18 AAC 80.1000	DRINKING WATER - Failure to Conduct Public Notification	15	1	0	0	0
04I	18 AAC 80.	DRINKING WATER - Treatment Technique Violates SWTR	4	2	1	0	0
04J	18 AAC 80.	DRINKING WATER - Violation of Lead Ban	0	0	0	0	0
04X	18 AAC 80.	DRINKING WATER VIOLATION: Other	10	1	0	0	2
<b>YEARLY TOTAL</b>			<b>86</b>	<b>11</b>	<b>6</b>	<b>2</b>	<b>4</b>

**c. Drinking Water Enforcement Actions:** Summary of administrative, civil, and criminal enforcement actions taken by ADEC for violations of Drinking Water regulations.

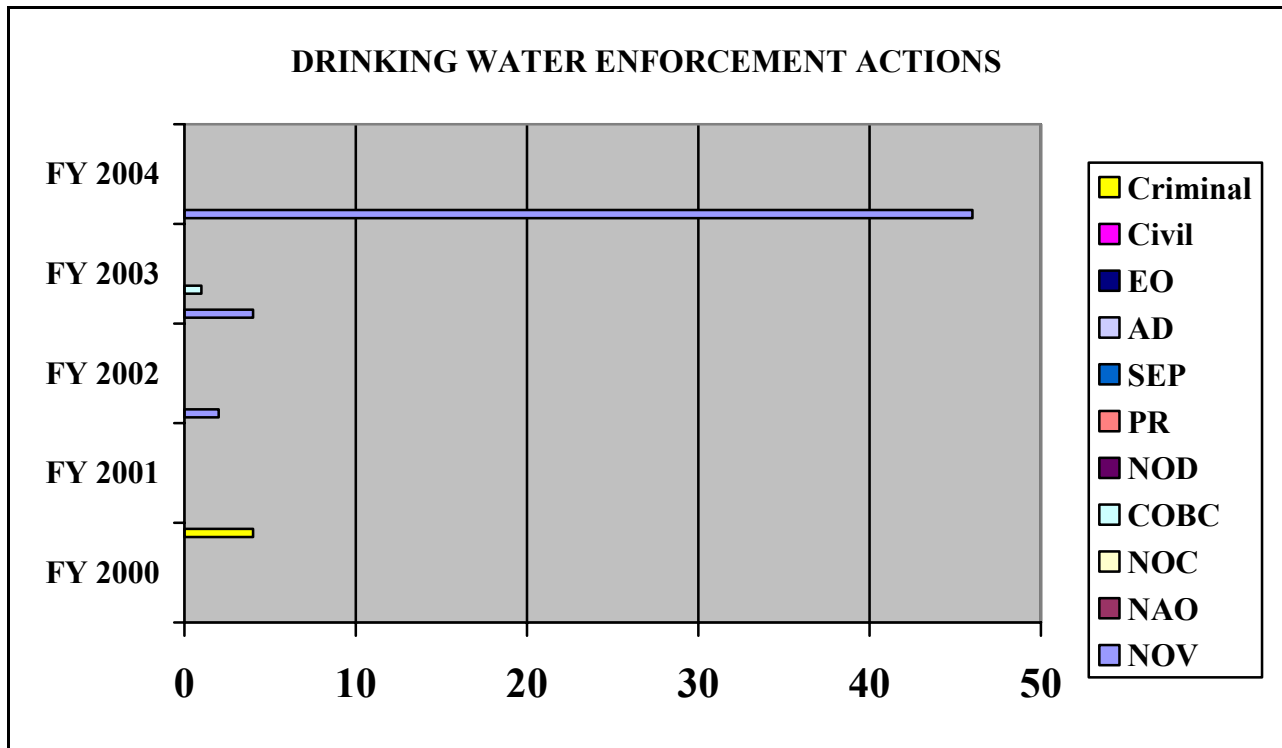
**Table 3-10** *Data obtained from CATS & SDWIS databases.*

<b>DRINKING WATER ENFORCEMENT ACTIONS FY 2004 - 2000</b>												
<b>FISCAL YEAR</b>	<b>NOV</b>	<b>NAO</b>	<b>NOC</b>	<b>COBC</b>	<b>NOD</b>	<b>PR</b>	<b>SEP</b>	<b>AD</b>	<b>EO</b>	<b>CS</b>	<b>CR</b>	<b>Admin / Civil Penalties</b>
<b>2004</b>	41	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>2003</b>	4	0	0	1	0	0	0	0	0	0	0	<b>\$1,000.00</b>
<b>2002</b>	1	0	0	0	0	0	0	0	0	0	1	<b>0</b>
<b>2001</b>	0	0	0	0	0	0	0	0	0	0	1	<b>0</b>
<b>2000</b>	0	0	0	0	0	0	0	0	0	0	4	<b>0</b>
<b>Avg.</b>	<b>9.2</b>	<b>0.0</b>	<b>0.00</b>	<b>0.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>1.4</b>	<b>\$200.00</b>
NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral; CR= Criminal Referral.												

**Note:** More than one enforcement action may have been taken in a single complaint.

### 3. Enforcement and Compliance Data by Division/Program

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### 3. Enforcement and Compliance Data by Division/Program

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**2. Solid Waste and Pesticide Program** – *The Solid Waste and Pesticide Program works with municipalities, private businesses and industrial companies toward improved environmental management and protection.*

Every day an estimated six pounds of garbage is thrown away by the average Alaskan. That adds up to more than 3.5 million pounds per day, and is nearly twice the daily average of the rest of the United States. Improper solid waste disposal can cause severe densities of disease-carrying mosquitoes, flies and rodents. It can pollute the air and drinking water sources and can attract wild animals such as bears and foxes.

#### **Solid Waste Section Primary Services**

- Prevent improper disposal of solid waste by issuing permits for the approximately 450 disposal facilities, including municipal landfills, landspreading of sewage sludge, disposal of contaminated soils, and land disposal of industrial wastes such as oilfield drilling muds.
- Annually inspect 150 landfills for compliance with permit conditions and regulations.
- Provide practical, hands-on advice to small towns and villages to help them improve community solid waste management.
- Work with owners of closed landfill sites to ensure that actions are taken to prevent contamination and protect public health and the environment.

**Pesticide Services Section Primary Services** – *The Pesticide section works to prevent adverse effects on human health, wildlife and the environment due to the improper use, storage, or disposal of pesticides.*

- Training and certifying pesticide applicators
- Marketplace inspections
- *Groundwater* and endangered species - protection from pesticide contamination
- Agricultural Worker Protection Standard (WPS)
- Restricted-Use Pesticide *Recordkeeping*
- Proper use, storage and disposal
- Permits for aerial, aquatic, and public pesticide projects

### 3. Enforcement and Compliance Data by Division/Program

#### ***SOLID WASTE ENFORCEMENT AND COMPLIANCE DATA:***

**a. Regulated Community:** There are currently 133 ADEC permitted landfills operating in Alaska. There are also approximately 63 unpermitted landfills operating mostly in small communities in Alaska. The Solid Waste Section is responsible for ensuring compliance with Alaska's Solid Waste regulations. One major issue for the Solid Waste Section is to bring those unpermitted facilities into compliance.

**Table 3-11** *Data obtained from Solid Waste Program and CATS.*

<b><i>SOLID WASTE REGULATED COMMUNITY</i></b>								
SECTOR	NUMBER OF PERMITTED FACILITIES	NUMBER OF INSPECTIONS PER FISCAL YEAR					2004 ENFORCEMENT ACTIONS	2004 COMPLIANCE RATES
		2004	2003	2002	2001	2000		
Class 1 (>20 tons of waste per day determined annually)	9	5	Unkn	Unkn	Unkn	Unkn	0	100%
Class 2 (>5 and <20 tons of waste per day determined annually)	15	6	Unkn	Unkn	Unkn	Unkn	1	83%
Class 3 Camp	29	0	Unkn	Unkn	Unkn	Unkn	0	N/A
Class 3 (Village) <5 tons of waste per day determined annually)	56	7	Unkn	Unkn	Unkn	Unkn	1	86%
Industrial Facilities (oil & gas production)	24	19	Unkn	Unkn	Unkn	Unkn	1	95.
<b>Total</b>	<b>133</b>	<b>37</b>	Unkn	Unkn	Unkn	Unkn	<b>3</b>	<b>92%</b>
<b>Un-permitted Landfills</b>	<b>63</b>						<b>NA</b>	<b>0%</b>
<p><b>2004 Enforcement Actions</b> – The facility was the subject of an administrative, civil, or criminal enforcement action during FY 2004. The action may have been initiated in a previous year but was still ongoing during 2004.</p> <p><b>FY 2004 Compliance Rate</b> – Expressed as a percentage of enforcement actions issued versus inspections conducted in 2004. This measure is unreliable to infer compliance rates for uninspected sites.</p>								



### 3. Enforcement and Compliance Data by Division/Program

**b. Solid Waste Violations:** Summary of the alleged violations relating to the Solid Waste Section that were investigated by ADEC inspection or enforcement staff.

**Table 3-12** Data obtained from CATS.

<b>SOLID WASTE VIOLATIONS FY 2004 - 2000</b>							
<b>Code</b>	<b>Statute / Reg.</b>	<b>Offense</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>
05A1	AS 46.06.080	SOLID WASTE: Littering Prohibited	1	2	1	2	5
05A2	AS 46.03.100	SOLID WASTE: Disposal W/O Permit	7	3	3	7	4
05A2C	18 AAC 60.200	SOLID WASTE: Failed to Meet Permit Requirements	0	0	0	0	0
05A3	18 AAC 60.015	SOLID WASTE: Transportation Violation	0	0	0	1	0
05A4	18 AAC 60.010	SOLID WASTE: Accumulation and Storage	4	5	0	0	10
05A5	AS 46.03.790	SOLID WASTE: Violation of Permit Conditions	1	0	0	2	1
05B	18 AAC 60.450	SOLID WASTE: Wrongful Disposal of Asbestos	1	0	2	0	3
05C	AS 46.03.810	SOLID WASTE: Nuisance Violation	2	3	1	4	5
05D1	18 AAC 60.390	SOLID WASTE - Failure to Meet Class III Closure Standards	0	0	0	2	0
05D2	18 AAC 60.395	SOLID WASTE - Failure to Meet Class I / II Closure Standards	0	0	0	0	0
05E	18 AAC 60.030	SOLID WASTE: Wrongful Disposal of Medical Waste	0	0	0	0	1
05X	18 AAC 60	SOLID WASTE VIOLATION: Other	7	1	1	2	3
09E4C	AS46.03.302	HAW WASTE: Disposal of Waste Without Permit	0	0	0	2	0
09E4D	AS46.03.296	HAZ WASTE: Unlawful Disposal of Waste	1	0	0	0	0
<b>YEARLY TOTAL</b>			<b>24</b>	<b>14</b>	<b>8</b>	<b>22</b>	<b>32</b>

**c. Solid Waste Enforcement Actions:** Summary of administrative, civil, and criminal enforcement actions taken by ADEC for violations of Solid Waste regulations.

**Table 3-13** Data obtained from CATS.

<b>SOLID WASTE ENFORCEMENT ACTIONS FY 2004 - 2000</b>												
<b>FISCAL YEAR</b>	<b>NOV</b>	<b>NAO</b>	<b>NOC</b>	<b>COBC</b>	<b>NOD</b>	<b>PR</b>	<b>SEP</b>	<b>AD</b>	<b>EO</b>	<b>CS</b>	<b>CR</b>	<b>Admin / Civil Penalties</b>
<b>2004</b>	2	0	0	0	0	0	0	0	0	0	0	<b>\$0.00</b>
<b>2003</b>	0	0	0	0	0	0	0	0	0	0	0	<b>\$0.00</b>
<b>2002</b>	3	0	0	1	0	0	0	0	0	0	1	<b>\$0.00</b>
<b>2001</b>	1	0	0	1	0	0	0	0	0	0	0	<b>\$0.00</b>
<b>2000</b>	0	0	0	0	0	0	0	0	0	0	3	<b>\$0.00</b>
<b>Avg.</b>	<b>1.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.4</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.8</b>	<b>\$0.00</b>
NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral; CR= Criminal Referral.												

**Note:** More than one enforcement action may have been taken in a single complaint.

### 3. Enforcement and Compliance Data by Division/Program

#### ***PESTICIDE SERVICES ENFORCEMENT AND COMPLIANCE DATA:***

**a. Regulated Community:** The Pesticides Services Program is responsible for ensuring compliance with pesticide sale, distribution, storage and use. The Pesticides Services Program issued 18 permits in FY 2004; 13 State Government; 3 Local Government; 2 Federal Government. All permits were in compliance.

**Table 3-14** *Data obtained from Pesticide Services Section.*

<b><i>PESTICIDE SERVICES REGULATED COMMUNITY</i></b>							
<b>SECTOR</b>	<b>NUMBER OF INSPECTIONS PER FISCAL YEAR</b>					<b>2004 ENFORCEMENT ACTIONS</b>	<b>2004 COMPLIANCE RATE</b>
	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>		
Timber	0	0	0	0	0	0	N/A
Lawn Care	2	5	2	8	7	3	0%
Nurseries / Greenhouse	15	6	2	4	2	6	60%
Agriculture	2	3	3	3	11	2	0%
Vessel Painters	1	0	0	1	0	0	100%
Local Govt.	2	4	1	0	1	1	50%
Fed Govt.	3	0	1	0	0	0	100%
State Govt.	0	0	0	1	0	0	N/A
Retailer Markets	55	40	31	31	54	18	67%
Exterminators	3	4	4	4	9	2	33%
Private Individuals	2	1	2	1	2	0	100%
Other*	101	107	54	50	17	12	88%
<b>Total</b>	<b>186</b>	<b>170</b>	<b>100</b>	<b>103</b>	<b>103</b>	<b>44</b>	<b>76%</b>
<b>2004 Enforcement Actions</b> – The facility was the subject of an administrative, civil, or criminal enforcement action during FY 2004. The action may have been initiated in a previous year but was still ongoing during 2004. <b>2004 Compliance Rates</b> - Expressed as a percentage of “Major” Out of Compliance Actions versus the number of FY 2004 inspections conducted. This measure is unreliable to infer compliance rates for un-inspected sites.							

### 3. Enforcement and Compliance Data by Division/Program

**b. Pesticide Violations:** Summary of the alleged violations relating to the Pesticide Services Program that were investigated by ADEC inspection or enforcement staff.

**Table 3-15** *Data obtained from CATS.*

<b><i>PESTICIDE SERVICES VIOLATIONS</i></b> <b><i>FY 2004 - 2000</i></b>							
<b>Code</b>	<b>Statute / Reg.</b>	<b>Offense</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>
07A1	18 AAC 90.005	PESTICIDES: Non-Certified Applicator	0	0	0	0	0
07B1	18 AAC 90.025	PESTICIDES: Unauthorized Purchase or Sale	0	0	0	0	0
07C1	18 AAC 90.200	PESTICIDES: Dealer Records Violation	0	0	0	0	0
07D1	18 AAC 90.210	PESTICIDES: Commercial Applicator Records Violation	0	0	0	0	0
07E1	18 AAC 90.410	PESTICIDES: Drift Violation	0	0	0	0	0
07F1	18 AAC 90.420	PESTICIDES: Storage and Disposal Violation	1	0	0	0	0
07G1	18 AAC 90.430	PESTICIDES: Use Violation	0	0	0	0	0
07H1	18 AAC 90.430	PESTICIDES: Unregistered / Misbranded Pesticide	0	0	1	0	0
07J1	18 AAC 90.430	PESTICIDES: Other Prohibitions	0	0	0	0	0
07K1	18 AAC 90.440	PESTICIDES: No Insurance	0	0	0	0	0
07L1	18 AAC 90.640	PESTICIDES: Violation of Permit Conditions	0	0	0	0	0
<b>YEARLY TOTAL</b>			<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>

**c. Pesticide Enforcement Actions:** Summary of administrative, civil, and criminal enforcement actions taken by ADEC for violations of Pesticide regulations.

**Table 3-16** *Data obtained from CATS.*

<b><i>PESTICIDE SERVICES ENFORCEMENT ACTIONS</i></b> <b><i>FY 2004 - 2000</i></b>												
<b>FISCAL YEAR</b>	<b>NOV</b>	<b>NAO</b>	<b>NOC</b>	<b>COBC</b>	<b>NOD</b>	<b>PR</b>	<b>SEP</b>	<b>AD</b>	<b>EO</b>	<b>CS</b>	<b>CR</b>	<b>Admin / Civil Penalties</b>
<b>2004</b>	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>2003</b>	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>2002</b>	0	0	0	0	0	0	0	0	0	1	0	<b>\$4,000.00</b>
<b>2001</b>	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>2000</b>	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>Avg.</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>00.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.2</b>	<b>0.0</b>	<b>\$800.00</b>
NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral; CR= Criminal Referral.												

**Note:** More than one enforcement action may have been taken in a single complaint. The Pesticide Services Program began tracking there enforcement actions in the CATS database during third quarter FY 2004.

### 3. Enforcement and Compliance Data by Division/Program

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**3. Sanitation and Food Safety Program** – *The Sanitation and Food Safety Program is responsible for safe food service, sale and processing (non-animal), food that is properly labeled and honestly presented, and sanitary public facilities.*

Among other things, the Sanitation and Food Safety Program carries out the following activities:

- Reviews plans and inspects facilities, issues permits and approvals, investigates complaints regarding public facilities and foodborne or waterborne illness, and responds to product recalls.
- Inspects over 6,000 public facilities of 11 types statewide: permanent and temporary food service facilities and bars; food stores and markets; warehouses; food processors; schools and playgrounds; public accommodations; pools and spas; barber shops/beauty shops; tattoo parlors; child care/preschool; adult residential care centers; and public showers and laundries.
- Provides technical assistance in epidemiological investigations and in design, operation and maintenance of pools and spas, school safety, indoor air quality, and food service operations.
- Ensures that foods processed, manufactured, (except seafood and meat/dairy), sold or served in Alaska are safe and wholesome.
- Protects the public from mislabeling, product substitution, and other economic frauds associated with food products.
- Ensures that public facilities maintain minimum standards of sanitation for Alaskans and visitors.

Nationwide, some 9,000 people die each year from food borne illnesses. With proper handling, temperature controls, and sanitation measures, these illnesses are 100-percent preventable. At-risk populations are increasing--the elderly, the young and those with immune deficiencies. This, coupled with the global nature of the food supply, means that monitoring for safety is both more important and more difficult.

In order to further protect the health and safety of Alaska citizens and our visitors, we have recently revised the Food Regulations for Alaska. Staff are located in Ketchikan, Sitka, Juneau, Cordova, Soldotna, Anchorage, Mat-Su, Tok, Fairbanks, Bristol Bay, Kodiak, Dutch Harbor, and by contract with the Norton Sound Health Corporation in Nome.

***Seafood Processing and Development Section*** – The Seafood Section works with shellfish growers and seafood processors to produce safe and wholesome seafood products that are properly labeled.

### 3. Enforcement and Compliance Data by Division/Program

#### ***SANITATION AND FOOD SAFETY ENFORCEMENT AND COMPLIANCE DATA:***

**a. Regulated Community:** The Sanitation and Food Safety Program is responsible for ensuring compliance with the sanitation and food safety permits issued by the department. In FY 2004 the Sanitation and Food Safety Program conducted approximately 2257 inspections of its regulated facilities. The program found that approximately 2% of the inspected facilities were out of compliance and required enforcement action.

**Table 3-17** *Data obtained from Sanitation and Food Safety Program.*

<b><i>SANITATION AND FOOD SAFETY REGULATED COMMUNITY</i></b>									
SECTOR	NUMBER OF FACILITIES	NUMBER OF INSPECTIONS PER FISCAL YEAR					OUT OF COMPLIANCE IN FY 2004		FY 2004 COMPLIANCE RATE
		2004	2003	2002	2001	2000	Major	Minor	
Food Establishments	4955	1530	1876	2079	1746	1869		567	
Seafood Processors	629	521	478	534	541	557		Data Not Available	
Pools & Spas	113	37	43	70	46	56		0	
Body Art	25	20	25	6	4	0		5	
Cosmetology	458	9	25	37	13	14		2	
Day Care / Adult Residential Centers	441	117	221	213	196	190		8	
Public Accommodations	2529	22	57	37	15	26		8	
Toilet / Shower / Laundry	224	1	5	6	6	18		0	
<b>Total</b>	<b>9374</b>	<b>2257</b>	<b>2730</b>	<b>2982</b>	<b>2567</b>	<b>2730</b>	<b>56*</b>	<b>590</b>	<b>98%</b>
<b>Facilities Cited for No Permit</b>		25	6	4	2	2	8		<b>0%</b>
<b>Out of Compliance</b> – The facility was the subject of an enforcement action during FY 2004. The action may have been initiated in a previous year but was still ongoing during 2004. <b>*Major</b> – Involved administrative, civil or criminal enforcement action in FY 2004 ( <i>Obtained from CATS</i> ). <b>Minor</b> – Return to compliance occurred without enforcement action. <b>2004 Compliance Rates</b> - Expressed as a percentage of “Major” Out of Compliance Actions versus the number of FY 2004 inspections conducted. This measure is unreliable to infer compliance rates for uninspected sites.									

- ❖ Inspections for Cosmetology, Day Care/Adult Residential Centers, Public Accommodations, and Public Toilets/Shower/Laundromats are completed on a complaint basis or on request of a licensing agency.
- ❖ Minor Violations are tallied by # of inspections with critical violations.
- ❖ Critical Violations for Seafood Processing Inspections are currently not collected. This data should be available after FY 06, when IMS database is implemented.
- ❖ Estimated 500 temporary food services included with total of food establishments.
- ❖ Shellfish Harvesters are excluded from total number of seafood processing facilities as these are not facilities that are inspected.

### 3. Enforcement and Compliance Data by Division/Program

- b. Sanitation and Food Safety Violations:** Summary of the alleged violations relating to the Sanitation and Food Safety Program that were investigated by ADEC inspection or enforcement staff.

**Table 3-18** *Data obtained from CATS.*

<b><i>SANITATION AND FOOD SAFETY VIOLATIONS</i></b> <b><i>FY 2004 - 2000</i></b>							
<b>Code</b>	<b>Statute / Reg.</b>	<b>Offense</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>
088A1	18 AAC 34.005	SEAFOOD: Purpose & Applicability	1	0	0	0	0
088D	18 AAC 34.035	SEAFOOD: Permit requirements; application, renewal, & denial	12	2	3	1	2
088D1	18 AAC 34.045	SEAFOOD: Hazard analysis critical control point (HACCP)	3	0	0	0	0
088E	18 AAC 34.050	SEAFOOD: Sanitation Plan	1	0	0	0	0
088E1	18 AAC 34.055	SEAFOOD: Facility plan approval	1	0	0	0	0
088F	18 AAC 34.060	SEAFOOD: Facility requirements	1	0	0	0	0
088F1	18 AAC 34.065	SEAFOOD: Chemicals and compounds	0	1	1	0	0
088G	18 AAC 34.070	SEAFOOD: Sanitizing	1	0	0	0	0
088G1	18 AAC 34.075	SEAFOOD: Plumbing	0	0	0	0	0
088H	18 AAC 34.080	SEAFOOD: Water supply & ice	5	0	0	0	0
088H1	18 AAC 34.085	SEAFOOD: Toilet and handwash sinks requirements	1	0	0	0	0
088I	18 AAC 34.090	SEAFOOD: Equipment and utensils	1	1	0	0	0
088I1	18 AAC 34.095	SEAFOOD: Waste disposal	6	0	0	1	0
088J	18 AAC 34.100	SEAFOOD: Personnel	0	1	1	0	0
088J1	18 AAC 34.105	SEAFOOD: Handling	2	3	2	0	0
088L	18 AAC 34.115	SEAFOOD: Adulterated seafood products	3	0	0	0	0
088M1	18 AAC 34.125	SEAFOOD: Product testing	1	0	0	0	0
088N	18 AAC 34.200	SEAFOOD: Applicability of shellfish processing requirements	6	0	0	0	0
088X	18 AAC 34.900	SEAFOOD: Permit, certification, waiver, and compliance fees	0	1	0	0	0
08C	18 AAC 31.020	SANITATION: Permit Requirements	1	3	5	1	0
08C3	18 AAC 31.030	SANITATION: Permit Application Requirements	4	2	2	0	0
08C6	18 AAC 31.040	SANITATION: Plan Review Violation	0	0	0	0	0
08C7	18 AAC 31.050	SANITATION: Fees	1	0	2	2	0
08D1	18 AAC 31.060	SANITATION: Labeling and Packaging Violation	0	1	2	0	0
08D2	18 AAC 31.060	SANITATION: Labeling and Placarding	0	0	0	0	0
08F	18 AAC 31.200	SANITATION: Food Condition and Source	3	1	7	1	0
08F8	18 AAC 31.220	SANITATION: Food Protection	0	3	2	1	0
08F9	18 AAC 31.230	SANITATION: Temperature Control	0	1	1	1	0
08J4	18 AAC 31.420	SANITATION: Cleaning and Sanitizing	1	0	0	0	0
08K2	18 AAC 31.510	SANITATION: Wastewater	0	1	1	0	0
08K3	18 AAC 31.515	SANITATION: Plumbing	0	0	1	0	0
08K7	18 AAC 31.535	SANITATION: Insect and Rodent Control	0	1	1	0	0
08L3	18 AAC 31.620	SANITATION: Mobile Food Units	0	1	1	0	0
08P	18 AAC 31.900	SANITATION: Inspections	0	3	2	0	0
08X		SANITATION VIOLATION: Other	1	0	5	2	0
		<b>YEARLY TOTALS</b>	<b>56</b>	<b>26</b>	<b>39</b>	<b>10</b>	<b>2</b>

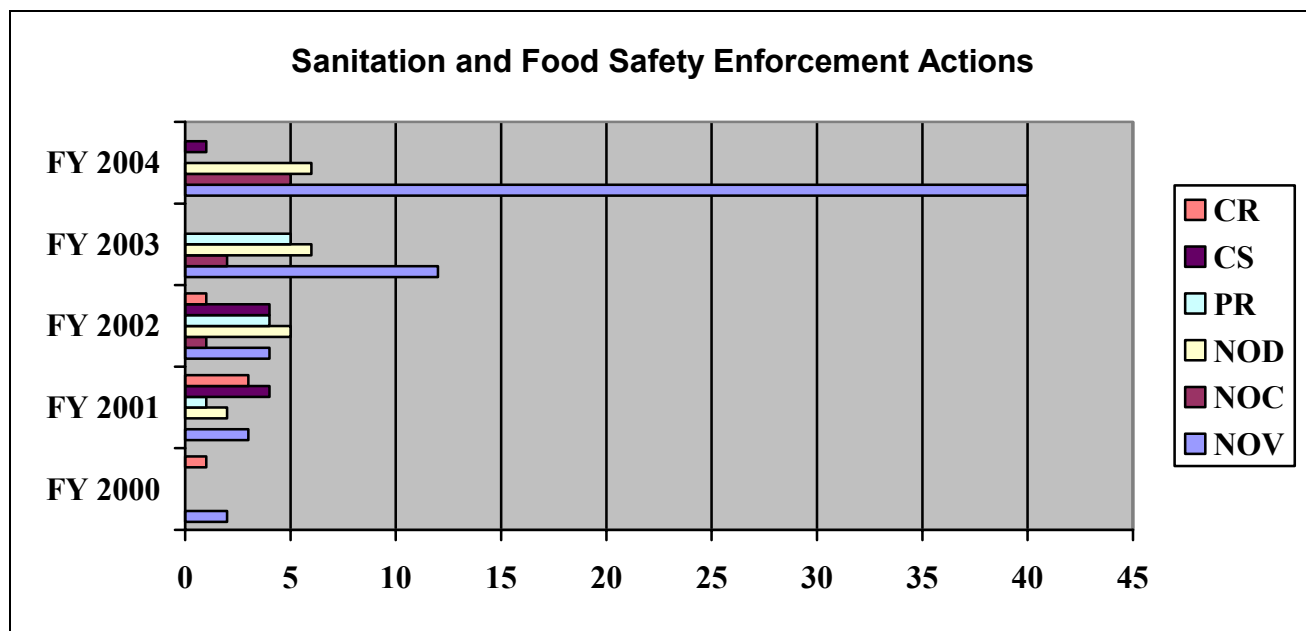
### 3. Enforcement and Compliance Data by Division/Program

**c. Sanitation and Food Safety Enforcement Actions:** Summary of administrative, civil, and criminal enforcement actions taken by ADEC for violations of Sanitation and Food Safety regulations

**Table 3-19** Data obtained from CATS.

<b>SANITATION AND FOOD SAFETY ENFORCEMENT ACTIONS</b>												
<b>FY 2004 - 2000</b>												
<b>FISCAL YEAR</b>	<b>NOV</b>	<b>NAO</b>	<b>NOC</b>	<b>COBC</b>	<b>NOD</b>	<b>PR</b>	<b>SEP</b>	<b>AD</b>	<b>EO</b>	<b>CS</b>	<b>CR</b>	<b>Admin / Civil Penalties</b>
<b>2004</b>	44	0	5	0	6	0	0	0	0	1	0	<b>\$227.03</b>
<b>2003</b>	12	0	2	0	6	5	0	0	0	0	0	<b>\$0.00</b>
<b>2002</b>	4	0	1	0	5	4	0	0	0	4	1	<b>\$446.66</b>
<b>2001</b>	3	0	0	0	2	1	0	0	0	4	3	<b>\$970.58</b>
<b>2000</b>	2	0	0	0	0	0	0	0	0	0	1	<b>\$0.00</b>
<b>Avg.</b>	<b>13</b>	<b>0</b>	<b>1.6</b>	<b>0</b>	<b>3.8</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1.8</b>	<b>1</b>	<b>\$328.85</b>
NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral; CR= Criminal Referral.												

**Note:** More than one enforcement action may have been taken in a single complaint.



### 3. Enforcement and Compliance Data by Division/Program

## ***DIVISION OF ENVIRONMENTAL HEALTHY ADMINISTRATIVE AND CIVIL ENFORCEMENT SUMMARY***

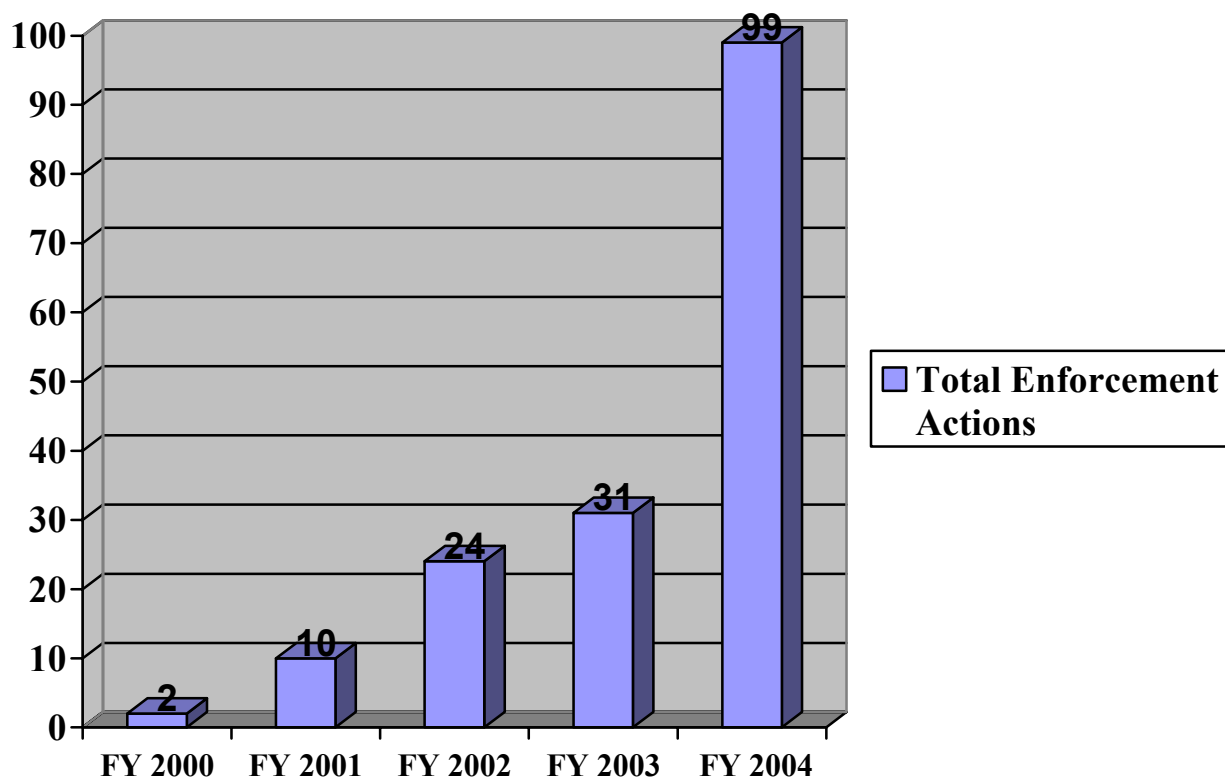
December 21, 2004

**Table 3-20** Summary of administrative and civil enforcement actions taken by the Division of Environmental Health between FY 2000 – FY 2004.

FISCAL YEAR	NOV	NAO	NOC	COBC	NOD	PR	SEP	AD	EO	CS	TOTAL
FY 2004	87	0	5	0	6	0	0	0	0	1	99
FY 2003	17	0	2	1	6	5	0	0	0	0	31
FY 2002	8	0	1	1	5	4	0	0	0	5	24
FY 2001	4	0	0	1	2	1	0	0	0	2	10
FY 2000	2	0	0	0	0	0	0	0	0	0	2
<b>Division Total</b>	<b>118</b>	<b>0</b>	<b>8</b>	<b>3</b>	<b>19</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>166</b>

NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral

**Note:** More than one enforcement action may have been taken in a single complaint.





### 3. Enforcement and Compliance Data by Division/Program

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## C. Division of Spill Prevention and Response

**MISSION:** *prevents spills of oil and hazardous substances, prepares for when a spill occurs and responds rapidly to protect human health and the environment.*

1. **Prevention and Emergency Response Program (PERP)** – *To approve the cleanup of oil or hazardous substances by the responsible party and be prepared to clean up the spill directly if the responsible party is not available.*

The Prevention and Emergency Response Program is Alaska's primary response organization for oil and hazardous substance release. Program staff implement state law to protect public health and the environment from direct or indirect effects of spills, guard the safety of persons involved, undertake or confirm the satisfactory cleanup and mitigation of spill effects and restoration of damages, and recover state-incurred costs to the Oil and Hazardous Substance Release Prevention and Response Fund.

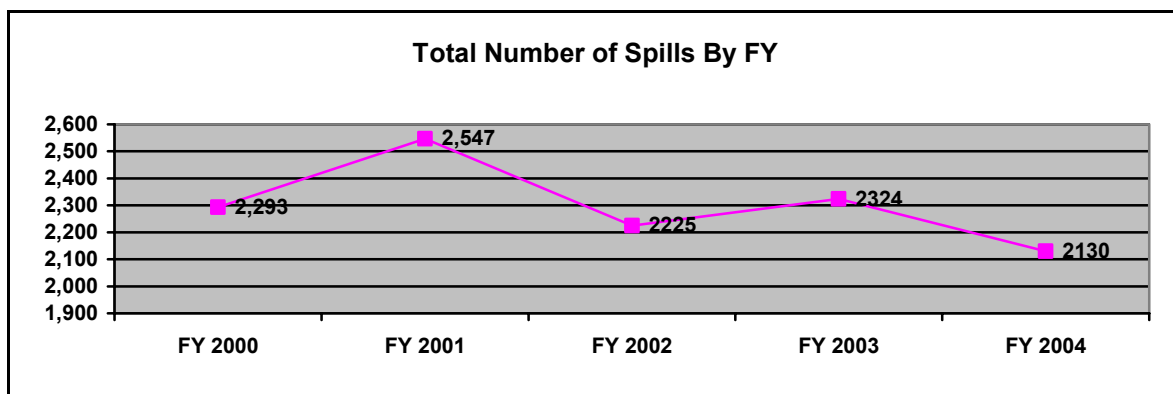
#### **Primary Services:**

- Lead the state's response to spills of oil and hazardous substances. Area response teams in Anchorage, Fairbanks, and Juneau also work as one team under the Incident Command System for large events.
- Oversee spill cleanup by the responsible party or take over cleanup when a responsible party is not found or is incapable.
- Evaluate spill impact, ensures containment and cleanup, and recovers cleanup and restoration costs from responsible party.
- Is currently developing and enhancing in-state hazardous materials response team capability.
- Participate in government and industry response drills and exercises.
- Maintain the Federal/State Unified Plan and the ten Subarea/Regional Contingency Plans for Alaska.
- Develop spill reporting and notification procedures.
- Manage term contracts with spill response organizations.
- Train local personnel in at-risk areas throughout the state.
- Keep timely and accurate spill information.

### 3. Enforcement and Compliance Data by Division/Program

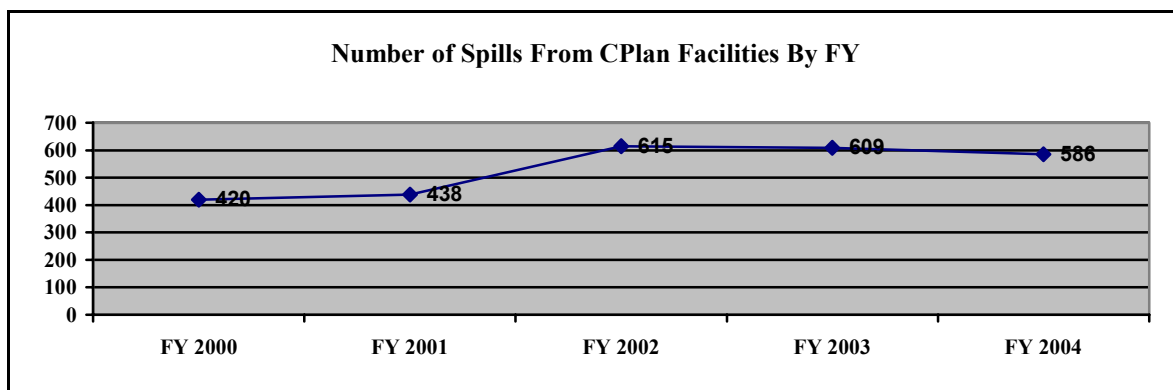
**Table 3-21** *Data Obtained from PERP*

Number of Spills by FY		
Fiscal Year	Total Spills	Quantity (gallons)
2004	2,130	283,112
2003	2,324	159,613
2002	2,225	596,252
2001	2,547	510,015
2000	2,293	453,663
<b>Total</b>	<b>11,519</b>	<b>2,002,655</b>



**Table 3-22** *Data Obtained from PERP*

Spills from C-Plan Facilities by FY		
Fiscal Year	Total Spills	Quantity (gallons)
2004	586	36,510
2003	609	55,213
2002	615	330,295
2001	438	141,485
2000	420	56,129
<b>Total</b>	<b>2668</b>	<b>619,632</b>



### 3. Enforcement and Compliance Data by Division/Program

#### ***PREVENTION AND EMERGENCY RESPONSE (PERP) ENFORCEMENT AND COMPLIANCE DATA:***

**a. Prevention and Emergency Response Program Violations:** Summary of the alleged violations relating to the PERP Program that were investigated by ADEC inspection or enforcement staff. When an accidental spill occurs and it is properly reported and cleaned up, it is normally not considered a violation, and therefore is not documented in the Complaint Automated Tracking System (*C.A.T.S.*). However when the responsible party fails to properly report or mitigate a spill, there is a potential for ADEC enforcement and those violations are documented in *C.A.T.S.*

**Table 3-23** *Data obtained from CATS.*

<b><i>PERP OIL VIOLATIONS</i></b> <b><i>FY 2004 - 2000</i></b>							
<b>Code</b>	<b>Statute / Reg</b>	<b>Offense</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>
01A	AS 46.03.790	OIL POLLUTION: With Criminal Neg <=10k Barrels	0	0	1	1	0
01A0	AS 46.03.790	OIL POLLUTION: With Criminal Neg >=10K Barrels	0	0	0	13	0
01A1	AS 46.03.740	OIL POLLUTION: To Lands Of State	14	12	11	0	8
01A1A	AS 46.04.080	OIL POLLUTION: Catastrophic to lands of State	0	0	0	0	1
01A2	AS 46.03.740	OIL POLLUTION: To Waters Of The State	0	11	3	0	2
01A2A	AS 46.04.080	OIL POLLUTION: Catastrophic to water of State	0	0	0	0	4
01B1	AS 46.03.710	OIL VIOLATION: Abandoned Drums (Waste Oil)	2	2	1	2	3
01B1A	AS 46.03.710	OIL VIOLATION: Abandoned Drums (Tar, Asphalt, etc.)	3	2	0	5	0
01B2	18AAC 75.300	OIL VIOLATION: Failure to report discharge	19	25	11	5	24
01B3	AS 46.03.790	OIL VIOLATION: Under reporting of discharge	1	0	0	0	0
01B4	AS 46.03.790	OIL VIOLATION: Falsification of spill report	13	0	0	0	0
01B5	AS 46.04.020	OIL VIOLATION: Failure to contain/cleanup	0	19	7	17	19
01C1A	AS 46.04.030(r ) (2)	OIL VIOLATION: Failure to Comply with C-Plan	0	4	0	0	0
01CF	18AAC 75.025	Oil Violation: Failed to Take Action to Prevent Spills.	2	0	2	2	4
01CG	18AAC 75.027	Oil: Tank Vessel Operator Failed to Prevent Spills.	0	10	0	0	0
01D1	AS 46.04.040	OIL VIOLATION: No Proof Of Fin Responsibility	0	0	2	0	0
01D2A	18 AAC 78.220	Oil: Failure to Report Leaking UST	0	1	2	0	0
01D6	18 AAC 78.090	OIL VIOLATION: Site Assessment	0	2	0	0	0
01D6B	18 AAC 78.100	OIL VIOLATION: Inspection, Reporting, & Recordkeeping	0	0	2	0	1
01D6C	18 AAC 78.200	OIL VIOLATION: Suspected Release Investigation	1	2	1	1	0
01X	AS 46.03.	OIL VIOLATION: Other	6	4	3	4	2
<b>YEARLY TOTAL</b>			<b>61</b>	<b>94</b>	<b>46</b>	<b>50</b>	<b>68</b>

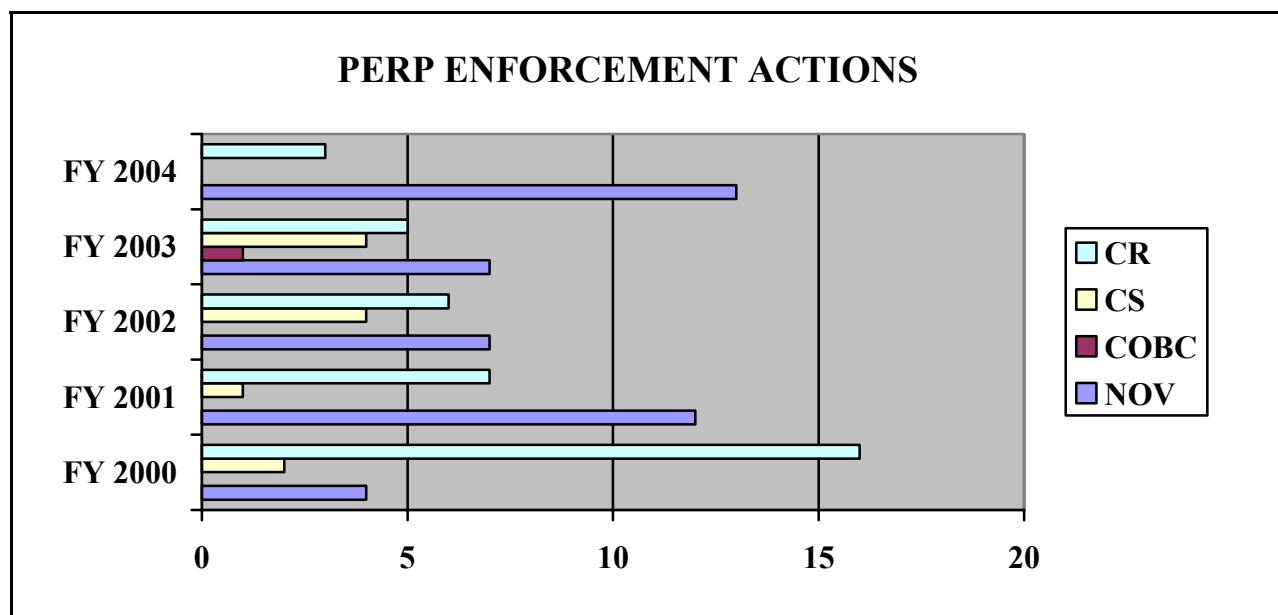
### 3. Enforcement and Compliance Data by Division/Program

**b. PERP Program Enforcement Actions:** Summary of administrative, civil and criminal enforcement actions taken by ADEC for violations of the PERP program regulations.

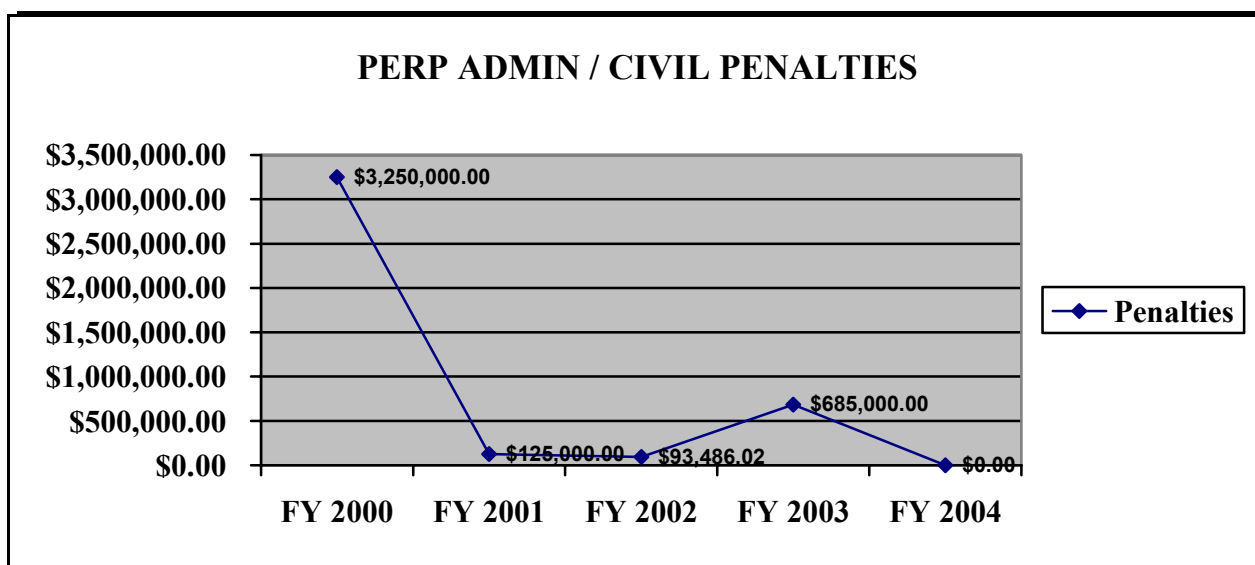
**Table 3-24** Data obtained from CATS.

<b>PERP ENFORCEMENT ACTIONS</b> <b>FY 2004 – 2000</b>												
<b>FISCAL YEAR</b>	<b>NOV</b>	<b>NAO</b>	<b>NOC</b>	<b>COBC</b>	<b>NOD</b>	<b>PR</b>	<b>SEP</b>	<b>AD</b>	<b>EO</b>	<b>CS</b>	<b>CR</b>	<b>Admin / Civil Penalties</b>
<b>2004</b>	13	0	0	0	0	0	0	0	0	0	3	<b>\$0.00</b>
<b>2003</b>	7	1	0	1	0	0	2	0	0	4	5	<b>\$685,000.00</b>
<b>2002</b>	7	0	0	0	0	0	0	0	0	4	6	<b>\$93,486.02</b>
<b>2001</b>	12	0	0	0	0	0	0	0	0	1	7	<b>\$125,000.00</b>
<b>2000</b>	4	0	0	0	0	0	2	0	0	2	16	<b>\$3,250,000.000</b>
<b>Avg.</b>	<b>8.6</b>	<b>0.2</b>	<b>0</b>	<b>0.2</b>	<b>0</b>	<b>0</b>	<b>0.8</b>	<b>0</b>	<b>0</b>	<b>2.2</b>	<b>7.4</b>	<b>\$830,697.204</b>
NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral; CR= Criminal Referral.												

**Note:** More than one enforcement action may have been taken in a single complaint.



### 3. Enforcement and Compliance Data by Division/Program



### **2. Contaminated Sites Program (CS)** – *To clean up sites contaminated by past improper disposal or discharges of hazardous substances.*

The program ensures that contaminated sites are evaluated and cleaned up in priority order, based upon risk to human health and the environment. Currently there are over 2000 sites on the contaminated sites database. Over 500 of these are identified as "high priority" sites based upon Alaska Hazardous Ranking Model. In most cases, the program oversees companies, federal agencies (such as the Department of Defense), or individuals who are cleaning up contamination found on their property. The program may conduct site cleanup when a responsible party cannot be identified or is unable to act. Cooperative agreements with the Department of Defense, the U.S. Environmental Protection Agency, and the National Oceanic and Atmospheric Administration allow state oversight of federal cleanup projects.

- Identify and assess sites contaminated with oil or hazardous substances to determine their potential threat to public health and the environment.
- Ensure that contaminated sites undergo investigation and cleanup in a priority order, based on threat.
- Use term contractors to clean up high priority sites which lack a responsible party.
- Recover the state's costs of oversight or cleanup for responsible parties.
- Develop hazardous substance cleanup standards and operating procedures for all phases of contaminated sites work.
- Negotiate cooperative funding agreements with federal agencies to enable staff oversight of federal sites.
- Coordinate development of an annual budget proposal to clean up high priority contaminated sites where the state is the responsible party.
- To prevent and clean up spills from fuel storage tanks systems, and provide technical and financial assistance to tank owners and operators for tank upgrades, closures, and site cleanups.

### 3. Enforcement and Compliance Data by Division/Program

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#### ***CONTAMINATED SITES (CS) ENFORCEMENT AND COMPLIANCE DATA:***

a. **Contaminated Sites Program Violations:** Summary of the alleged violations relating to the Contaminated Sites Program that were investigated by ADEC inspection or enforcement staff.

**Table 3-25** *Data obtained from CATS.*

<b><i>CONTAMINATED SITES VIOLATIONS</i></b> <b><i>FY 2004 – 2000</i></b>							
<b>Code</b>	<b>Statute / Reg</b>	<b>Offense</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>
01A1	AS 46.03.740	OIL POLLUTION: To Lands Of State	1	2	1	2	0
01A2	AS 46.03.740	OIL POLLUTION: To Waters Of The State	1	0	0	1	0
01B1	AS 46.03.710	OIL VIOLATION: Abandoned Drums (Waste Oil)	0	1	0	0	0
01B1A	AS 46.03.710	OIL VIOLATION: Abandoned Drums (Tar, Asphalt, etc.)	0	0	1	0	0
01B2	18AAC 75.300	OIL VIOLATION: Failure to report discharge	0	0	0	1	0
01B5	AS 46.04.020	OIL VIOLATION: Failure to contain/cleanup	1	1	0	0	0
01CN	18AAC 75.075(a)	Oil: Failure to Meet Secondary Containment Reqmts	1	0	0	0	0
01D2	18 AAC 78.015	OIL VIOLATION: Failure To Register UST	0	1	0	0	0
01D2A	18 AAC 78.220	OIL VIOLATION: Failure to Report Leaking UST	0	0	0	1	0
01D2B	18 AAC 78.025	OIL VIOLATION: Failure to Meet New UST Requirements	1	0	1	1	0
01D2C	18 AAC 78.030	OIL VIOLATION: UST Upgrade Requirements	1	0	0	0	0
01D2G	18 AAC 78.060	OIL VIOLATION: Release Detection & Reporting	0	0	1	0	0
01D3A	AS 46.03.375	OIL VIOLATION: Tank Work W/O Certified Workers	1	0	0	0	0
01D4	18 AAC 78.020	OIL VIOLATION: Notification of Tank Closure	1	0	0	0	0
01D4B	18 AAC 78.085	OIL VIOLATION: Permanent Closure & Change In Service	1	0	0	0	0
01D6	18 AAC 78.090	OIL VIOLATION: Site Assessment	1	0	0	1	0
01D6B	18 AAC 78.100	OIL VIOLATION: Inspection, Reporting, & Recordkeeping	2	0	0	0	1
01D6C	18 AAC 78.200	OIL VIOLATION: Suspected Release Investigation	0	1	0	0	0
01X	AS 46.03.	OIL VIOLATION: Other	0	0	2	1	4
		<b>YEARLY TOTAL</b>	<b>12</b>	<b>6</b>	<b>6</b>	<b>8</b>	<b>5</b>

### 3. Enforcement and Compliance Data by Division/Program

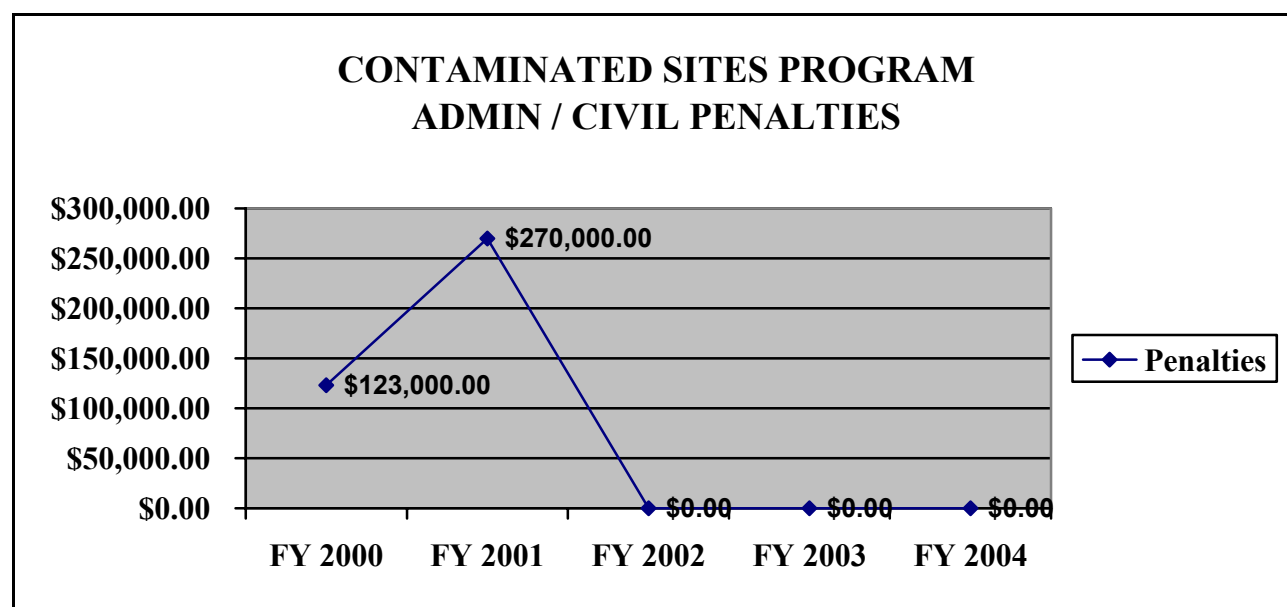
**b. Contaminated Sites Program Enforcement Actions:** Summary of administrative, civil and criminal enforcement actions taken by ADEC for violations of the Contaminated Sites Program regulations.

**Table 3-26** *Data obtained from CATS.*

<b>CONTAMINATED SITES PROGRAM ENFORCEMENT ACTIONS</b>												
<b>FY 2004 - 2000</b>												
<b>FISCAL YEAR</b>	<b>NOV</b>	<b>NAO</b>	<b>NOC</b>	<b>COBC</b>	<b>NOD</b>	<b>PR</b>	<b>SEP</b>	<b>AD</b>	<b>EO</b>	<b>CS</b>	<b>CR</b>	<b>Admin / Civil Penalties</b>
<b>2004</b>	2	0	0	0	0	0	0	0	0	0	0	<b>\$0.00</b>
<b>2003</b>	0	0	0	0	0	0	0	0	0	0	0	<b>\$0.00</b>
<b>2002</b>	2	0	0	0	0	0	0	0	0	0	0	<b>\$0.00</b>
<b>2001</b>	0	0	0	0	0	0	1	0	0	0	0	<b>\$270,000.00</b>
<b>2000</b>	2	0	0	0	0	0	0	0	0	1	0	<b>\$123,000.00</b>
<b>Avg.</b>	<b>1.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.2</b>	<b>0.0</b>	<b>\$78,600.00</b>

NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral; CR= Criminal Referral.

**Note:** More than one enforcement action may have been taken in a single complaint.



### 3. Enforcement and Compliance Data by Division/Program

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**3. Industry Preparedness Program** – *To prevent spills from producers, transporters, and distributors of petroleum products and pre-stage privately owned spill response equipment and trained personnel in Alaska's industrialized areas.*

Alaska law requires oil spill prevention, financial responsibility, and oil discharge prevention and contingency planning for the oil industry. It also requires oil spill response action contractors to register with the state. The requirements apply to terminals and distributors of crude and refined oil products, oil pipelines and onshore and offshore oil exploration and production facilities.

- Assist the crude oil and refined oil industry in spill prevention, assuring that they have the personnel, equipment and financial resources to quickly respond to any spill and remediate its environmental damage.
- Review and approve about 140 oil discharge prevention and contingency plans for installations or operations across the state.
- Inspect facilities, pipelines and marine vessels to provide assistance and ensure compliance with requirements.
- Participate in oil spill drills with the regulated industries to exercise and demonstrate response readiness.
- Administer the statewide Financial Responsibility Program to ensure that oil operators maintain the financial resources to respond to any spill and mitigate environmental damage.
- Provide technical assistance and information to contingency plan applicants and the general public on spill prevention and response requirements.



### 3. Enforcement and Compliance Data by Division/Program

#### **INDUSTRY PREPAREDNESS PROGRAM ENFORCEMENT AND COMPLIANCE DATA:**

a. **Industry Preparedness Program Regulated Community:** The Industry Preparedness Program is responsible for ensuring compliance with the oil discharge prevention and contingency plans issued by the department.

**Table 3-27** Data obtained from Industry Preparedness Program and does not include non-tank vessels..

<b>REGULATED COMMUNITY WITH CONTINGENCY PLANS</b> <b>(Excluding Non-Tank Vessels)</b>									
SECTOR	NUMBER OF C-PLANS	NUMBER OF INSPECTIONS PER FISCAL YEAR					OUT OF COMPLIANCE IN FY 2004		FY 2004 COMPLIANCE RATE
		2004	2003	2002	2001	2000	Major	Minor	
Exploration, Production, and Refineries	25	39	15	10	11	27	2	4	95%
Trans-Alaska Pipeline System	2	14	1	0	0	1	0	0	100%
Marine Vessels – Non-crude	12	10	16	5	22	3	0	0	100%
Marine Vessels – Crude	16	32	42	43	45	53	0	0	100%
Non-Crude Terminals	70	50	45	29	18	37	1	14	98%
<b>Total</b>	<b>125</b>	<b>145</b>	<b>119</b>	<b>87</b>	<b>96</b>	<b>121</b>	<b>3</b>	<b>18</b>	<b>98%</b>
<b>Out of Compliance</b> – The facility was the subject of an enforcement action during FY 2004. The action may have been initiated in a previous year but was still ongoing during 2004. <b>Major</b> – Involved administrative, civil or criminal enforcement action, as entered in CATS. <b>Minor</b> – Return to compliance occurred without enforcement action. Required compliance actions entered and tracked in IP database. <b>FY 2004 Compliance Rate</b> – Expressed as a percentage of “Major” Out of Compliance Actions versus inspections conducted in 2004. This measure is unreliable to infer compliance rates for uninspected sites.									

### 3. Enforcement and Compliance Data by Division/Program

**b. Industry Preparedness Program Violations:** Summary of the alleged violations relating to the IPP Program that were investigated by ADEC inspection or enforcement staff.

**Table 3-28** Data obtained from CATS.

<b>INDUSTRY PREPAREDNESS VIOLATIONS FY 2004 - 2000</b>							
<b>Code</b>	<b>Statute / Reg</b>	<b>Offense</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>
01B2	18AAC 75.300	OIL VIOLATION: Failure to report discharge	1	0	0	0	0
01C1	AS 46.04.030	OIL VIOLATION: Operating Facility W/O C-Plan	0	0	1	1	6
01C1A	AS 46.04.030(r ) (2)	OIL VIOLATION: Failure to Comply with C-Plan	3	3	7	3	14
01C2	AS 46.04.030	OIL VIOLATION: Operating Pipeline W/O C-Plan	0	0	0	0	1
01C3	AS 46.04.030c	OIL VIOLATION: Oper Tank Vessel/Barge W/O C-Plan	1	0	0	0	0
01C4	AS 46.04.030	OIL VIOLATION: Transfer W/O C-Plan Verification	2	0	1	0	0
01CA	18AAC 75.007(d)	OIL VIOLATION: Personnel Not Trained in Pollution Prevention	0	0	0	0	1
01CE	18AAC 75.007(h)	Oil Violation: Failed to Maintain Trng/Maint/Test Records	1	0	0	1	0
01CF	18AAC 75.025	Oil Violation: Failed to Take Action to Prevent Spills.	1	0	0	0	0
01CI	18AAC 75.065(a)	Oil: Operator Failed to Maintain & Inspect tanks IAW API 653	2	0	0	0	0
01CJ	18AAC 75.065(b)	Oil: Tank Inspection Frequency Not IAW API 653	1	0	2	0	3
01CK	18AAC 75.065(d)	Oil: Failed to Maint Records of Inspections & Corrections	1	0	0	0	0
01CL	18AAC 75.065(e)	Oil: Failure to Notify of Major Repair or Alteration to Tank	0	0	0	0	1
01CM	18AAC 75.065(i)	Oil: Failure to Meet Requirements for New Storage Tanks	0	1	1	0	1
01CN	18AAC 75.075(a)	Oil: Failure to Meet Secondary Containment Reqmts	1	1	2	1	1
01CO	18AAC 75.080	Oil: Failure to Meet Requirements for Facility Piping	1	0	2	0	0
01D1	AS 46.04.040	OIL VIOLATION: No Proof Of Fin Responsibility	4	4	0	2	1
01D2E	18 AAC 78.045	OIL VIOLATION: Oper & Maint of Corrosion Protection	1	0	0	0	0
01D2J	18 AAC 78.075	OIL VIOLATION: Release Detection Monitoring Requirements	0	0	0	1	1
01E2	AS 46.03.743	OIL VIOLATION: Negligent Operation Of Tank Vessel	1	0	0	0	0
01G3	AS 46.04.055(g)	OIL VIOLATION: Operating W/O C-Plan Nontank Vessels	1	1	0	0	0
01X	AS 46.03.	OIL VIOLATION: Other	2	2	1	0	0
		<b>YEARLY TOTAL</b>	<b>24</b>	<b>12</b>	<b>17</b>	<b>9</b>	<b>30</b>

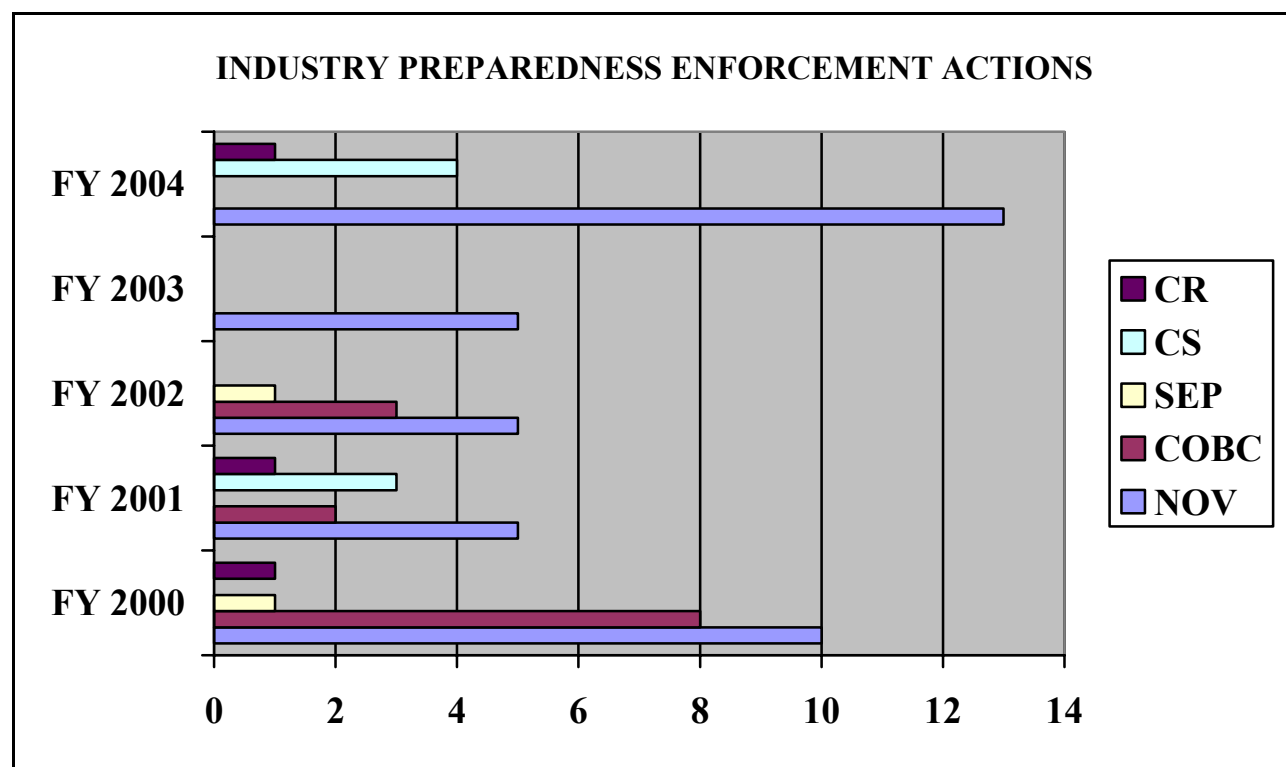
### 3. Enforcement and Compliance Data by Division/Program

c. **Industry Preparedness Program Enforcement Actions:** Summary of administrative, civil, and criminal enforcement actions taken by ADEC for violations of Industry Preparedness & Pipeline regulations.

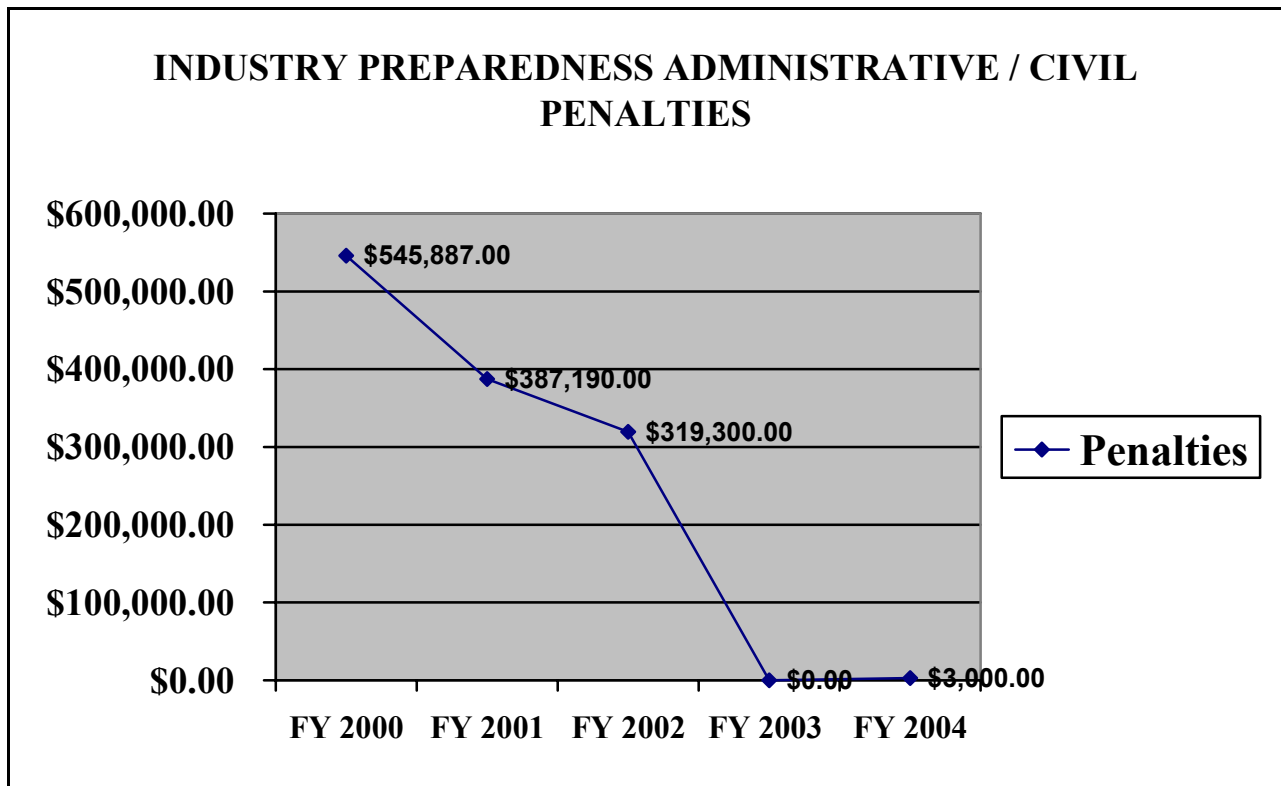
**Table 3-29** Data obtained from CATS.

<b>INDUSTRY PREPAREDNESS ENFORCEMENT ACTIONS</b>												
<b>FY 2004 - 2000</b>												
<b>FISCAL YEAR</b>	<b>NOV</b>	<b>NAO</b>	<b>NOC</b>	<b>COBC</b>	<b>NOD</b>	<b>PR</b>	<b>SEP</b>	<b>AD</b>	<b>EO</b>	<b>CS</b>	<b>CR</b>	<b>Admin / Civil Penalties</b>
<b>2004</b>	13	0	0	0	0	0	0	0	0	4	1	<b>\$3,000.00</b>
<b>2003</b>	5	0	0	0	0	2	0	0	0	0	0	<b>\$0.00</b>
<b>2002</b>	5	0	0	3	0	0	1	0	0	0	0	<b>\$319,300.00</b>
<b>2001</b>	5	0	0	2	0	0	0	0	0	3	1	<b>\$387,190.00</b>
<b>2000</b>	10	0	0	8	0	0	1	0	0	0	1	<b>\$545,887.00</b>
<b>Avg.</b>	<b>7.6</b>	<b>0.0</b>	<b>0.0</b>	<b>2.6</b>	<b>0.0</b>	<b>0.4</b>	<b>0.4</b>	<b>0.0</b>	<b>0.0</b>	<b>1.4</b>	<b>0.6</b>	<b>\$251,075.400</b>
NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral; CR= Criminal Referral.												

**Note:** More than one enforcement action may have been taken in a single complaint.



### 3. Enforcement and Compliance Data by Division/Program



### 3. Enforcement and Compliance Data by Division/Program

#### ***DIVISION OF SPILL PREVENTION AND RESPONSE ADMINISTRATIVE AND CIVIL ENFORCEMENT SUMMARY***

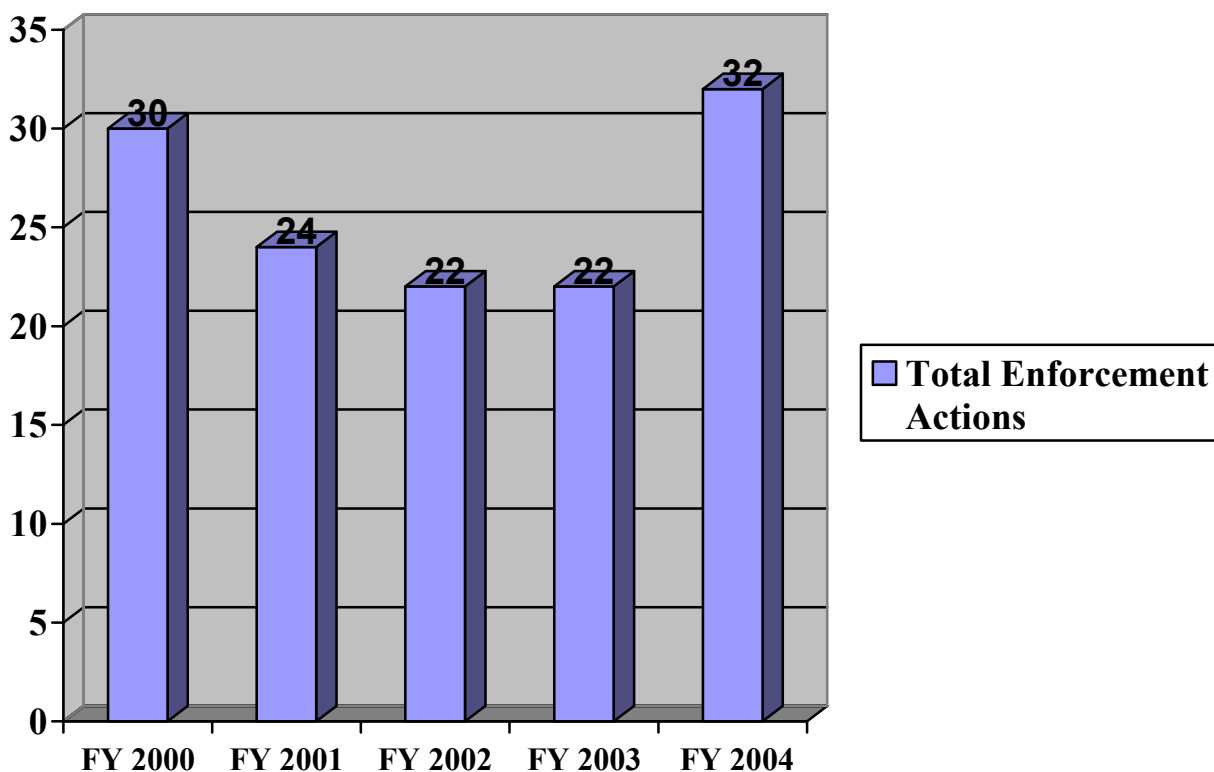
December 21, 2004

**Table 3-30** Summary of administrative and civil enforcement actions taken by the Division of Spill Prevention and Response between FY 2000 – FY 2004.

FISCAL YEAR	NOV	NAO	NOC	COBC	NOD	PR	SEP	AD	EO	CS	TOTAL
FY 2004	28	0	0	0	0	0	0	0	0	4	32
FY 2003	12	1	0	1	0	2	2	0	0	4	22
FY 2002	14	0	0	3	0	0	1	0	0	4	22
FY 2001	17	0	0	2	0	0	1	1	0	3	24
FY 2000	16	0	0	8	0	0	3	0	0	3	30
<b>Division Total</b>	<b>87</b>	<b>1</b>	<b>0</b>	<b>14</b>	<b>0</b>	<b>2</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>18</b>	<b>130</b>

NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral

**Note:** More than one enforcement action may have been taken in a single complaint.



### 3. Enforcement and Compliance Data by Division/Program

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#### **D. Division of Water Quality**

**MISSION:** *Improve and protect water quality.*

The livelihood and well-being of all Alaskans depends on clean and abundant water which supports our bountiful fish and wildlife resources, supplies our domestic and recreational needs, protects our health, and sustains our economic diversity. The Division of Water Quality is responsible for the protection of Alaska's water resources. This division issues and certifies water quality permits, assures compliance with permits, assesses and restores polluted water bodies, monitors quality of surface and ground water throughout the state, develops water quality criteria of Alaska, and implements water quality protection and control programs for non-point source pollution, groundwater, and wetlands.

DEC uses a watershed protection approach to make more efficient use of state resources. This is a cooperative, geographically targeted effort to better manage, protect, and restore water quality in high-priority watersheds.

The federal Clean Water Act established the National Pollutant Discharge Elimination System (NPDES) to permit discharges of pollutants into U.S. waters by "point sources," such as industrial and municipal facilities. In Alaska, the U.S. Environmental Protection Agency issues NPDES permits, designed to maximize treatment and minimize harmful effects of discharges as water quality and technology improvements are made. DEC certifies that these permits will not violate the state's water quality standards. The Alaska Forest Practices Act and federal Clean Water Act also give the state authority to ensure that state water quality standards are met in timber harvest areas on public, private, and state lands. DEC also issues solid waste permits to regulate disposal of chemically treated tailings.

**1. Wastewater Discharge Program** – The Wastewater Discharge Program is divided into four sections; Domestic Wastewater, Industrial Wastewater, Cruise Ships, and On Site Domestic Systems (OSDS). The mission of the Wastewater Discharge Program is to protect water resources and public health by regulating wastewater discharges. Primary services are:

- Issue permits and monitor compliance with State permits for wastewater discharges.
- Certify that permits for wastewater discharges issued by the US Environmental Protection Agency comply with State water quality law.
- Inspect permitted facilities to verify compliance and help operators comply with their permits.
- Cruise ship registration and regulation.
- Improve online permitting and permit fee payment services.

### 3. Enforcement and Compliance Data by Division/Program

#### ***WASTEWATER DISCHARGE ENFORCEMENT AND COMPLIANCE DATA:***

a. **Regulated Community:** The Wastewater Discharge Program primarily regulates industry/large facilities. They ensure compliance with state issued or certified discharge permits.

**Table 3-31** *Data obtained from Wastewater Discharge Program and CATS.*

<b><i>WASTEWATER DISCHARGE REGULATED COMMUNITY</i></b>									
SECTOR	FACILITIES WITH PERMITS	NUMBER OF INSPECTIONS PER FISCAL YEAR					OUT OF COMPLIANCE IN FY 2004		FY 2004 COMPLIANCE RATE
		2004	2003	2002	2001	2000	Major	Minor	
Oil & Gas Production	30	5	2	1	1	N/A	1	5	80%
Oil Refiners	7	0	1	2	2	N/A	0	0	N/A
Mining	119	13	18	5	3	N/A	1	0	100%
Seafood Processors	204	23	25	8	0	N/A	0	23	92%
Power Plants	7	0	3	1	4	N/A	1	0	N/A
Sewage Treatment Plants	134	47	24	33	31	N/A	1	47	98%
Cruise Ships	49	21	25	20	3	N/A	1	6	95%
Other	65	11	2	10	4	N/A	0	0	100%
<b>TOTAL</b>	<b>615</b>	<b>120</b>	<b>100</b>	<b>80</b>	<b>48</b>	<b>N/A</b>	<b>5</b>	<b>81</b>	<b>96%</b>
Un-permitted Facilities	141						3		0%
<p><b>Out of Compliance</b> – The facility was the subject of an enforcement action during FY 2004. The action may have been initiated in a previous year but was still ongoing during 2004.</p> <p><b>Major</b> – Involved administrative, civil or criminal enforcement action.</p> <p><b>Minor</b> – Return to compliance occurred without enforcement action.</p> <p><b>Un-permitted Facilities</b> – Facilities operating/discharging without the required permit.</p> <p><b>2004 Compliance Rates</b> - Expressed as a percentage of “Major” Out of Compliance Actions versus inspections conducted in 2004. This measure is unreliable to infer compliance rates for uninspected sites.</p>									

#### **Notes:**

- Cruise ships operate under an annual State registration, rather than a permit.
- “Other” facilities include fish hatcheries, short-term activities with one-time authorization (excavation dewatering, discharge of contained water), rocket launch site, cooling water discharges, etc.
- Un-permitted facilities – DEC has identified 141 small sewage treatment facilities that may require a permit, if the facility actually discharges wastewater.
- N/A - No inspection data available for FY 2000.

### 3. Enforcement and Compliance Data by Division/Program

**b. Wastewater Discharge Violations:** Summary of alleged violations relating to the Watershed Management Program which were investigated by ADEC inspection or enforcement staff.

**Table 3-32** Data obtained from CATS.

<b>WASTEWATER DISCHARGE VIOLATIONS FY 2000 - 2004</b>							
<b>Code</b>	<b>Statute / Reg.</b>	<b>Offense</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>
02A	18 AAC 72.500	INDUSTRIAL WASTEWATER: Discharge w/o permit	1	4	1	6	0
02A1	18 AAC 15.120	INDUSTRIAL WASTEWATER: Violating NPDES Permit	1	0	3	1	3
02A2	18 AAC 72.500	INDUSTRIAL WASTEWATER: Violating State Permit	0	0	0	2	4
02A5D	18 AAC 72.600	WASTEWATER: Failure to Obtain Plan Approval	0	0	1	0	3
02AX	18 AAC 72.	INDUSTRIAL WASTEWATER VIOLATION: Other	13	9	5	4	5
02B	18 AAC 72.025	DOMESTIC WASTEWATER VIOLATION: Septic System	8	1	4	4	6
02B1	18 AAC 72.210	WASTEWATER: Sys Installed W/O Plan approval	5	4	3	1	2
02B1A	18 AAC 72.040	DOMESTIC WASTEWATER: Discharge of Raw Sewage	30	9	13	25	20
02B1B	18 AAC 72.040	DOMESTIC WASTEWATER: Discharge of Gray Water	0	1	1	2	1
02B1D	18AAC 15.12(c)	WASTEWATER: Failure to Comply with NPDES reqmts	5	1	0	0	0
02B2	18 AAC 72.015	WASTEWATER: Inadequate Separation Distance	8	1	0	1	0
02B3	18 AAC 72.010	WASTEWATER: Failed Septic System	1	4	8	11	15
02B3C	18 AAC 72.010(c)	DOMESTIC WASTEWATER: Use of Cesspool	0	0	0	0	2
02B3D	18 AAC72.015(b)	DOMESTIC WASTERWATER: Uncertified o/s construction	6	0	0	0	0
02B3F	18 AAC 72.215	WASTEWATER: Wastewater Discharge without a permit	6	3	0	0	0
02B4	18 AAC 72.030	WASTEWATER: Unlawful Discharge To Sewer	0	1	2	1	0
02B5	18 AAC 72.045	WASTEWATER: Unlawful Domestic Sludge Disposal	1	0	0	0	3
02B5B	18 AAC 72.510	WASTEWATER: Unlawful Non-Domestic Sludge Disposal	0	0	0	0	1
02B6	18 AAC 72.300	WASTEWATER: Violated Subdivision Plan Approval	0	0	0	0	0
02BD	18 AAC 72.065	DOMESTIC WASTEWATER: Failure to have Cert. Operator	1	0	0	0	0
02BE	18 AAC 72.205	DOMESTIC WASTEWATER: Defective Documentation	1	0	0	0	0
02BF	18 AAC 72.035	DOMESTIC WASTEWATER: Septic Tank Violations	2	0	0	0	0
02BX	18 AAC 72.	DOMESTIC WASTEWATER VIOLATIONS: Other	15	4	5	4	5
02D	18 AAC 72.930	WASTEWATER: Failure to Submit Operational Reports	0	0	0	1	0
02E	18 AAC 72.940	WASTEWATER: Failure to Notify of WW Emergency	0	0	2	0	0
02FA	18AAC 72.600	NONDOMESTIC WASTEWATER: No plan approval	2	1	0	0	0
02FA1	18 AAC 72.510	NONDOMESTIC WASTEWATER: Unlawful Sludge Disposal	1	0	0	0	0
02FN	18 AAC 72.400	WASTEWATER: Certified Installer Required	1	1	0	0	0
02FO	18 AAC 72.415	WASTEWATER: Failure to Obtain onsite System Training	1	0	0	0	0
03A	US Code	WATER QUALITY: Destruction of Wetlands	0	1	0	3	0
03A1	US Code	WATER QUALITY: Unpermitted Fill of Wetlands	1	2	1	1	0
03B	AS 46.03.100	WATER QUALITY: Illegal Off Shore Dumping	0	0	0	0	1
03C	AS 46.03.100	WATER QUALITY: Disposal of Dredging Material	0	2	0	0	0
03E	18 AAC 70.010	WATER QUALITY: Violation of Water Quality Standards	1	14	16	15	6
03F	18 AAC 70.020	WATER QUALITY: Protected Water Use Classes and Criteria	0	0	0	1	1
03G	AS 46.03.800	WATER QUALITY: Nuisance Violation	0	0	0	1	5
03X	AS 46.03.	WATER QUALITY VIOLATION: Other	8	19	5	8	2
		<b>YEARLY TOTALS</b>	<b>119</b>	<b>82</b>	<b>70</b>	<b>92</b>	<b>85</b>

**c. Wastewater Discharge Enforcement Actions:** Summary of administrative, civil, and



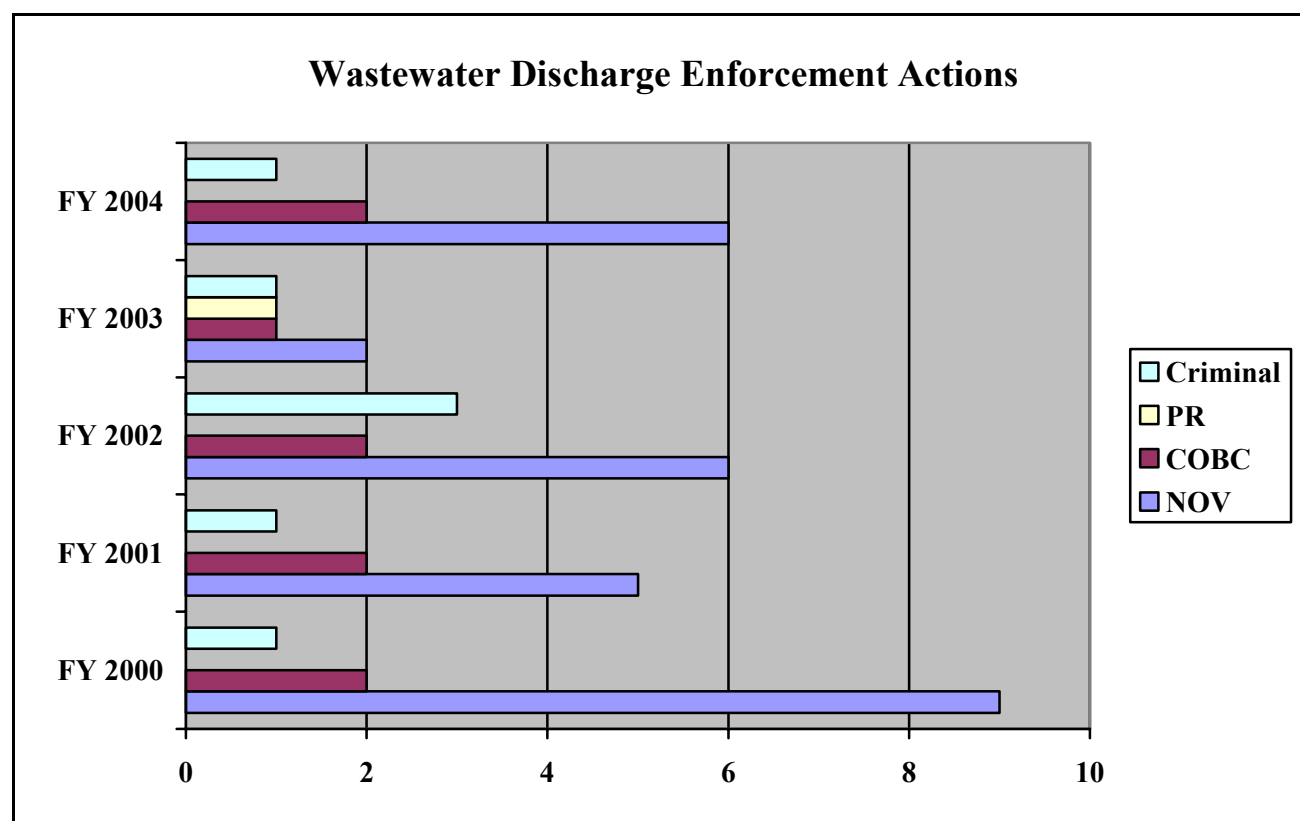
### 3. Enforcement and Compliance Data by Division/Program

criminal enforcement actions taken by ADEC for violations of the Wastewater regulations.

**Table 3-33** *Data obtained from CATS.*

<b>WASTEWATER DISCHARGE ENFORCEMENT ACTIONS</b>												
<b>FY 2004 - 2000</b>												
<b>FISCAL YEAR</b>	<b>NOV</b>	<b>NAO</b>	<b>NOC</b>	<b>COBC</b>	<b>NOD</b>	<b>PR</b>	<b>SEP</b>	<b>AD</b>	<b>EO</b>	<b>CS</b>	<b>CR</b>	<b>Admin / Civil Penalties</b>
<b>2004</b>	6	0	0	2	0	0	0	0	0	0	1	<b>\$0.00</b>
<b>2003</b>	2	0	0	1	0	1	0	0	0	0	1	<b>\$40,000.00</b>
<b>2002</b>	6	0	0	2	0	0	0	0	0	0	2	<b>\$0.00</b>
<b>2001</b>	5	0	0	2	0	0	0	0	0	0	1	<b>\$0.00</b>
<b>2000</b>	9	0	0	2	0	0	0	0	0	0	1	<b>\$0.00</b>
<b>Avg.</b>	<b>5.6</b>	<b>0.0</b>	<b>0.0</b>	<b>1.8</b>	<b>0.0</b>	<b>0.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>1.2</b>	<b>\$8,000.00</b>
NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral; CR= Criminal Referral.												

**Note:** More than one enforcement action may have been taken in a single complaint.



### 3. Enforcement and Compliance Data by Division/Program

**2. Non-Point Source Pollution Control Program** – The Non-Point Source Pollution Control Program is divided into three sections; Protection and Restoration, Stormwater/Wetlands, and Forest Practices. The mission of the Non-Point Source Water Pollution Control Program is to protect water resources and public health from non-point sources of pollution by:

- Preventing stormwater pollution of water bodies by approving construction site plans.
- Ensuring wetland fills do not adversely affect water quality.
- Reviewing timber harvest plans and performing related field inspections for forestry operations.
- Reviewing construction plans and Storm Water Pollution Prevention Plans for storm water discharges from industrial and construction sites.
- Identifying State water quality priorities and needs
- Establishing a schedule for developing recovery plans on impaired water bodies.
- Providing pass-through funding and technical assistance to municipalities, local groups, and other state agencies involved in water quality projects.
- Responding to public concerns and complaints on local water quality issues.

**a. Regulated Community:** The Non-Point Source Pollution Control Program primarily regulates industry/large facilities. They ensure compliance with state issued or certified discharge permits.

**Table 3-34** Data obtained from Non-Point Source Program.

<b>NON-POINT SOURCE REGULATED COMMUNITY</b>									
SECTOR	FACILITIES WITH PERMITS	NUMBER OF INSPECTIONS PER FISCAL YEAR					OUT OF COMPLIANCE IN FY 2004		FY 2004 COMPLIANCE RATE
		2004	2003	2002	2001	2000	Major	Minor	
Stormwater	188*	3	6	15	Unk	Unk	0	0	100%
Fill & Wetlands	600*	14	6	Unk	Unk	Unk	0	2	100%
<b>TOTAL</b>	<b>788*</b>	<b>17</b>	<b>12</b>	<b>15</b>	<b>Unk</b>	<b>Unk</b>	<b>0</b>	<b>2</b>	<b>100%</b>
<p><b>Out of Compliance</b> – The facility was the subject of an enforcement action during FY 2004. The action may have been initiated in a previous year but was still ongoing during 2004.</p> <p><b>Major</b> – Involved administrative, civil or criminal enforcement action.</p> <p><b>Minor</b> – Return to compliance occurred without enforcement action.</p> <p><b>Unk</b> – Unknown</p> <ul style="list-style-type: none"> <li>• - Value indicates average number of activities authorized in FY 03 and FY 04.</li> </ul> <p><b>2004 Compliance Rates</b> - Expressed as a percentage of “Major” Out of Compliance Actions versus inspections conducted in FY 2004. This measure is unreliable to infer compliance rates for uninspected sites.</p>									

### 3. Enforcement and Compliance Data by Division/Program

**b. Non-Point Source Pollution Control Violations:** Summary of alleged violations relating to the Non-Point Source Pollution Control Program which were investigated by ADEC inspection or enforcement staff.

**Table 3-35** *Data obtained from CATS.*

<b>NON-POINT SOURCE VIOLATIONS FY 2000 - 2004</b>							
<b>Code</b>	<b>Statute / Reg.</b>	<b>Offense</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>
03E	18 AAC 70.010	WATER QUALITY: Violation of Water Quality Standards	1	0	0	0	0
03X	AS 46.03.	WATER QUALITY VIOLATION: Other	5	0	0	0	0
		<b>YEARLY TOTAL</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**c. Non-Point Source Enforcement Actions:** Summary of administrative, civil, and criminal enforcement actions taken by ADEC for violations of the Non-Point Source Pollution Control regulations.

**Table 3-36** *Data obtained from CATS.*

<b>NON-POINT SOURCE ENFORCEMENT ACTIONS FY 2004 - 2000</b>												
<b>FISCAL YEAR</b>	<b>NOV</b>	<b>NAO</b>	<b>NOC</b>	<b>COBC</b>	<b>NOD</b>	<b>PR</b>	<b>SEP</b>	<b>AD</b>	<b>EO</b>	<b>CS</b>	<b>CR</b>	<b>Admin / Civil Penalties</b>
<b>2004</b>	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>2003</b>	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>2002</b>	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>2001</b>	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>2000</b>	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>Avg.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral; CR= Criminal Referral.												

**Note:** More than one enforcement action may have been taken in a single complaint.

### 3. Enforcement and Compliance Data by Division/Program

## ***DIVISION OF WATER QUALITY ADMINISTRATIVE AND CIVIL ENFORCEMENT SUMMARY***

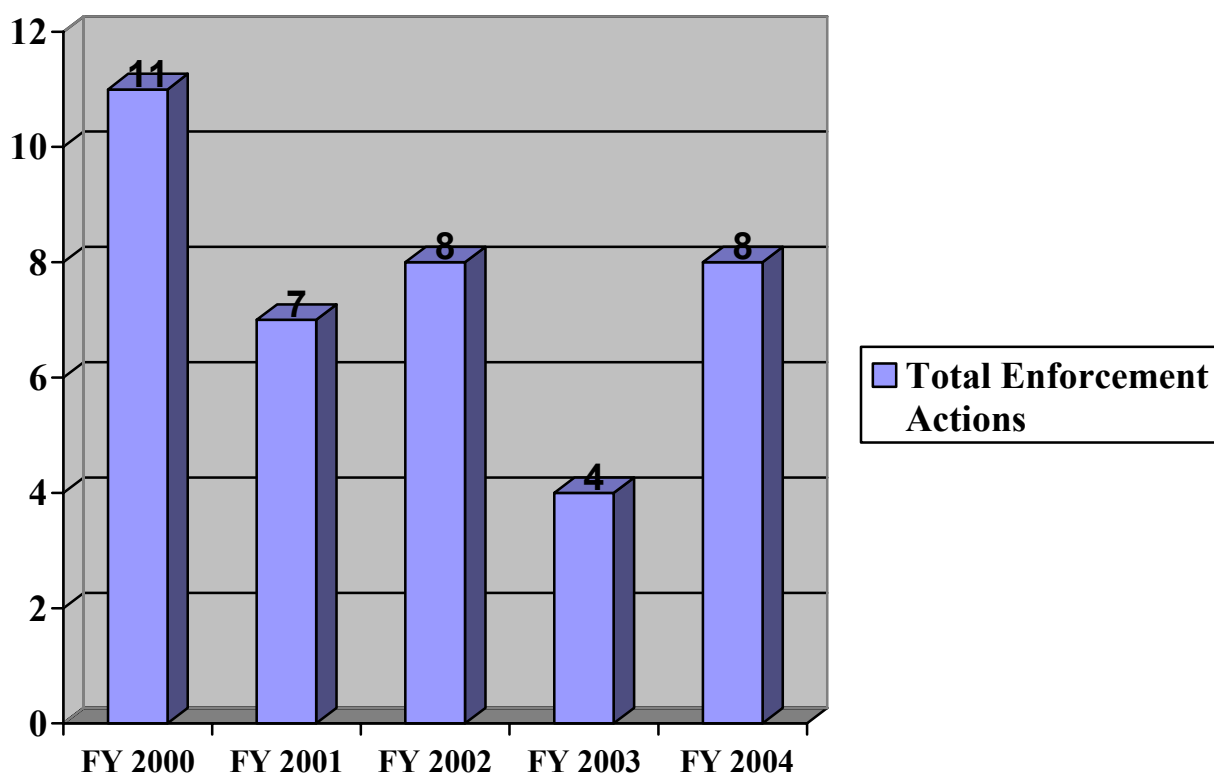
December 21, 2004

**Table 3-37** Summary of administrative and civil enforcement actions taken by the Division of Water Quality between FY 2000 – FY 2004.

FISCAL YEAR	NOV	NAO	NOC	COBC	NOD	PR	SEP	AD	EO	CS	TOTAL
FY 2004	6	0	0	2	0	0	0	0	0	0	8
FY 2003	2	0	0	1	0	1	0	0	0	0	4
FY 2002	6	0	0	2	0	0	0	0	0	0	8
FY 2001	5	0	0	2	0	0	0	0	0	0	7
FY 2000	9	0	0	2	0	0	0	0	0	0	11
<b>Division Total</b>	<b>28</b>	<b>0</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>38</b>

NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral

**Note:** More than one enforcement action may have been taken in a single complaint.





#### 4. Environmental Crimes Unit

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### IV. Environmental Crimes Unit

#### *A. MISSION*

The Alaska legislature, under Alaska Statute (AS) 44.46.020, delegated the primary responsibility for the enforcement of laws governing the protection of water, land and air quality to the Alaska Department of Environmental Conservation (ADEC). Normally these laws are enforced by the regulatory staff through administrative or civil remedies. In the most egregious cases where polluting or environmentally harmful conduct becomes intentional, knowing, or reckless, criminal enforcement must be considered. As the law enforcement arm of ADEC, the mission of the Environmental Crimes Unit (ECU) is to identify, apprehend, and assist prosecutors in successfully convicting those who are responsible for the most serious violations of Alaska's environmental laws.

The Environmental Crimes Unit (ECU) has statewide responsibility for the investigation and prosecution of environmental crimes. The ECU is comprised of three criminal investigators from the Department of Environmental Conservation, and one Assistant Attorney General from the Department of Law (DOL). The investigators are State of Alaska peace officers, with traditional law enforcement and advanced environmental crimes training, who are authorized to conduct investigations, collect evidence, execute warrants, and to do all things necessary and customary for peace officers duly appointed by the State. The Assistant Attorney General is a prosecutor with the Department of Law's Office of Special Prosecutions & Appeals, and has statewide jurisdiction to prosecute environmental cases.

#### *B. OPERATIONS:*

The Environmental Crimes Unit is responsible for investigating and prosecuting the State's most egregious and or complex environmental crimes. In most cases however, the ECU does not work alone. When ECU opens a criminal investigation, it is a collaborative effort using the technical expertise of the ADEC regulatory staff, the law enforcement experience of the criminal investigators, and the prosecutorial authority of the Assistant Attorney General.

#### **TYPE OF CASES INVESTIGATED OR PROSECUTED BY ECU:**

- There appears to be at least criminal negligence involved.
- The violator is a repeat offender.
- Violation was intentional.
- Nature of harm to public health or the environment was serious.
- Violator attempted to conceal or cover up the offense.

#### 4. Environmental Crimes Unit

##### ***C. INVESTIGATIVE SUMMARY***

**Table 4-1** depicts the number of investigations conducted by ECU during FY 2002-2004, as well as the source of the complaints leading to those investigations.

<b>STATEWIDE ENVIRONMENTAL CRIMES UNIT INVESTIGATIONS CONDUCTED DURING FY 2002-2004</b>							
<b>SOURCE OF COMPLAINTS</b>		<b>ACTIONS/COMPLAINTS REFERRED TO ECU</b>			<b>INVESTIGATIONS OPENED BY ECU</b>		
		<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
<b>A D E C</b>	Division of Air Quality	31**	70**	49	22	68**	49
	Division of Environmental Health	4	0**	1	3	0	0
	Division of Spill Prevention & Response	6	5	4	4	2**	3
	Division of Water Quality	2**	1**	2	0	0	1
<b>Total Referred From ADEC</b>		<b>43</b>	<b>76**</b>	<b>56</b>	<b>29</b>	<b>70**</b>	<b>53</b>
Actions Initiated By ECU		14	17	16	2	0	2
Referred from Other Sources *		8	5	5	1	1	2
<b>TOTAL</b>		<b>65</b>	<b>98**</b>	<b>77</b>	<b>32</b>	<b>71**</b>	<b>57</b>

\*Actions/complaints are occasionally referred directly to the Environmental Crimes Unit from local, state or federal agencies. Those referrals are usually handled in the following manner:

- Some complaints are forwarded directly to the ADEC program having regulatory responsibility for the alleged violations.
- Some complaints may be forwarded directly to the ECU prosecutor when sufficient evidence of criminal misconduct is documented in the referring agency's report, and no further ECU investigation is needed.
- Some complaints result in formal investigations being initiated by ECU to determine if a crime has been committed, identify the perpetrator(s), and to prepare a Report of Investigation for prosecution.
- Some actions are request for assistance (RFA) from other agencies who retain the enforcement responsibility for the alleged environmental violation(s). In those cases, the investigative assistance is provided and the findings reported to the requesting agency.

\*\* The number of complaints/actions have been adjusted for FY 2002 and FY 2003 based on the creation of the new Division of Water Quality, which previously had programs located in Divisions of Air and Environmental Health. Additionally, this report corrects the FY 2003 report which erroneously reported 99 actions opened by ECU, when the correct number should have been 98.

#### 4. Environmental Crimes Unit

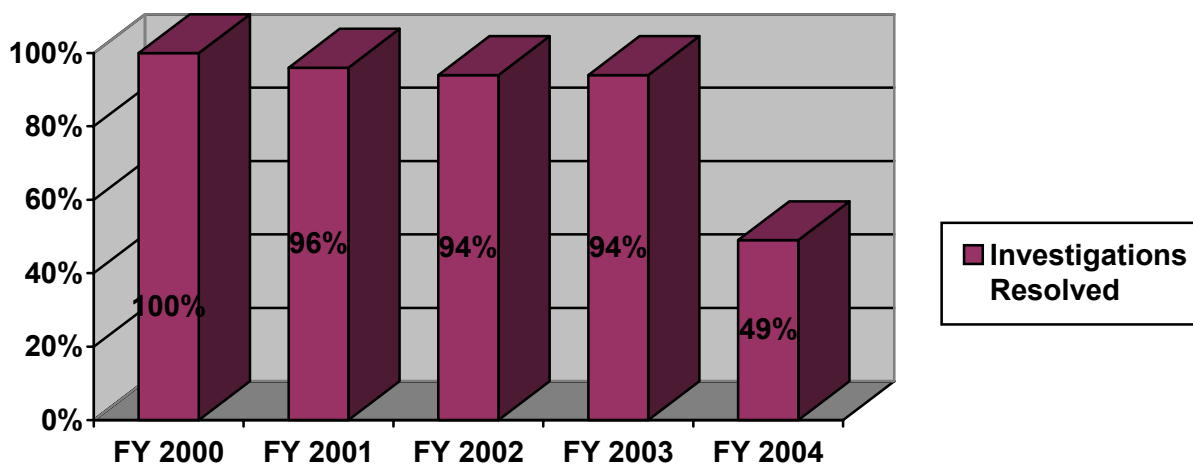
**Table 4-2** depicts the total number of actions, including criminal investigations, opened by the ECU, and how the criminal investigations were resolved.

1-Dec-04

ENVIRONMENTAL CRIMES UNIT INVESTIGATION STATISTICS								
FISCAL YEAR	Actions	RESOLUTION OF INVESTIGATIONS						Other
		Investigations	Administrative	Civil	Criminal	Unfounded	Unresolved	
2004	77	57	6	0	20	2	29	20
2003	98	71	7	0	58	2	4	27
2002	65	32	3	0	22	5	2	33
2001	48	25	14	1	7	2	1	23
2000	71	44	23	3	15	3	0	27
Average	71.8	45.8	10.6	0.8	24.2	2.8	7.4	26

**Legend:**

- ADM Cases resolved through administrative remedies; NOV, COBC, Letter of Warning etc.
- CIVIL Cases resolved through civil remedies with civil AG section; civil settlements, consent decrees, etc.
- CRIM Cases resolved through criminal remedies; criminal complaints, uniform summons, etc.
- UNFD Cases determined to be unfounded, insufficient evidence to prove offense occurred.
- UNRES Cases unresolved and still under investigation or cases investigated but insufficient evidence to identify the violator.
- Other Request For Assistance from ADEC regulatory staff or other agencies; serving enforcement documents, assisting in interviews, collecting evidence, etc. or to document receipt of raw data, complaints reported to ECU but referred to ADEC or EPA regulatory staff for action.
- Year Fiscal year complaint was received, some cases are resolved in a different year than the year opened.



**Percent of Investigations Resolved by the Environmental Crimes Unit  
Fiscal Years 2000-2004**



## 4. Environmental Crimes Unit

**Table 4-3** depicts the number of investigations referred from the ECU investigations unit to the prosecutor and the dispositions of those cases. The FY reflects the year the action was referred to the prosecutor, not the year the investigation was opened.

ENVIRONMENTAL CRIMES UNIT INVESTIGATION AND PROSECUTION SUMMARY																	
Fiscal Year of Referral	Cases Referred to Prosecutor	Subjects Identified in Cases			Subjects Charged			Subjects Convicted		Subjects Charged But Found Not Guilty		Subjects Resolved Admin / Civilly		Subjects Dismissed by Prosecutor		Subjects Pending Disposition	
		Total	Ind.	Bus.	Ind.	Bus.	Total										
<b>2004</b>	29	<b>34</b>	33	1	19	0	<b>19</b>	<b>19</b>	56%	<b>0</b>	0%	<b>3</b>	9%	<b>1</b>	3%	<b>11</b>	32%
<b>2003</b>	39	<b>48</b>	45	3	25	0	<b>25</b>	<b>25</b>	52%	<b>0</b>	0%	<b>9</b>	4%	<b>4</b>	8%	<b>10</b>	21%
<b>2002</b>	20	<b>25</b>	21	4	16	2	<b>18</b>	<b>18</b>	72%	<b>0</b>	0%	<b>2</b>	8%	<b>1</b>	4%	<b>4</b>	16%
<b>2001</b>	5	<b>6</b>	5	1	3	0	<b>3</b>	<b>3</b>	50%	<b>0</b>	0%	<b>1</b>	17%	<b>2</b>	33%	<b>0</b>	0%
<b>2000</b>	14	<b>22</b>	12	10	5	6	<b>11</b>	<b>11</b>	50%	<b>0</b>	0%	<b>3</b>	27%	<b>4</b>	18%	<b>1</b>	4%

### Fiscal Year of Referral

The fiscal year in which the Report of Investigation was forwarded by the Environmental Crimes Unit investigators to the prosecutor. The year may not be the same year in which the investigation was opened.

### Cases Referred to Prosecutor

Number of investigations referred to the ECU prosecutor.

### Subjects Identified in Cases

Number of individuals / businesses identified in the investigations with sufficient probable cause to believe they committed the violations.

### Subjects Charged

Number of individuals / businesses charged with an environmental crime by the prosecutor.

### Subjects Convicted

Numbers of individuals / businesses convicted as a result of environmental charges filed.

### Subjects Found Not Guilty

Number of individuals / businesses found not guilty during trial.

### Subjects Resolved Administratively or Civilly

Number of referred enforcement actions against individuals or businesses that were resolved by administrative or civil remedies rather than criminal enforcement.

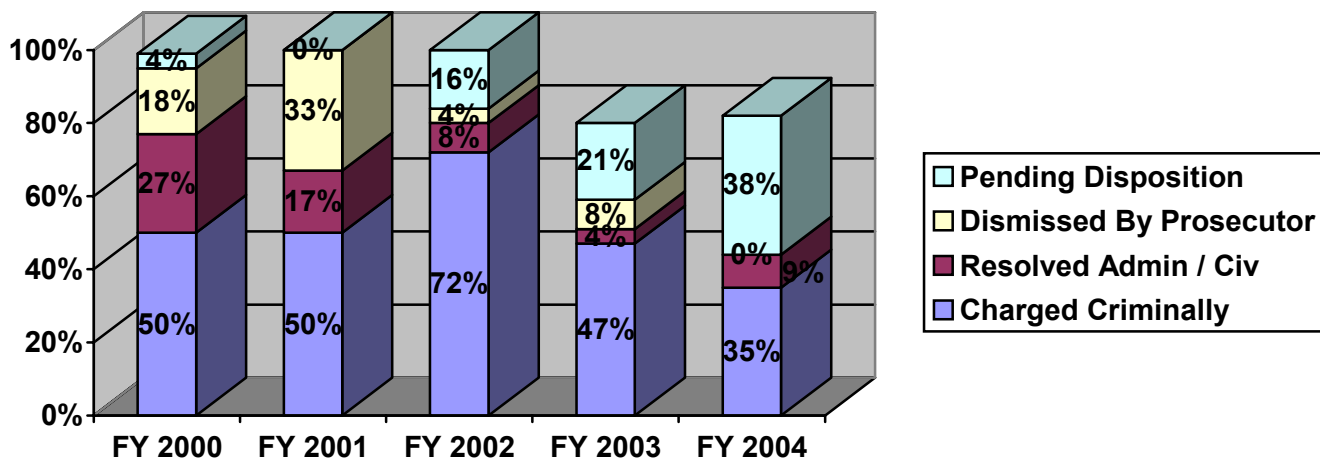
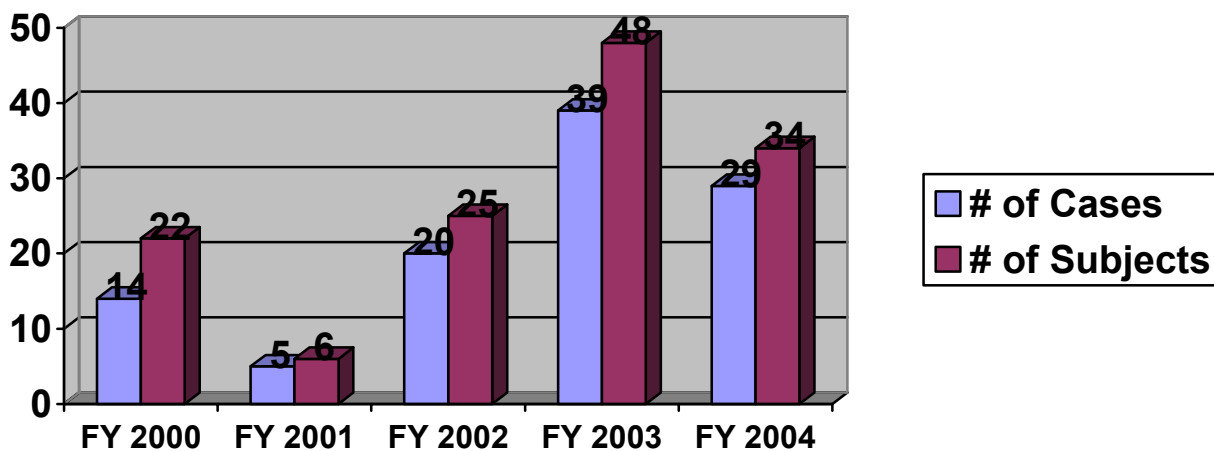
### Subjects Dismissed

Number of referred enforcement actions dismissed or not accepted by the prosecutor due to a plea arrangements, evidentiary reasons or prosecutorial discretion.

#### 4. Environmental Crimes Unit

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##### *REFERRALS TO ECU PROSECUTOR BY FISCAL YEAR*



##### *DISPOSITION OF SUBJECTS REFERRED TO PROSECUTOR BY FISCAL YEAR*

## 4. Environmental Crimes Unit

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### ***D. ENFORCEMENT TRAINING SUMMARY:***

In the fall of 2002 the Alaska Department of Environmental Conservation implemented a credentialing program for all enforcement staff. Linked to the credentialing program were minimum training requirements for initial appointments, and renewal of credentials by the enforcement officers and inspectors.

**Minimum Training Requirements:** Prior to appointing a department employee to inspection or enforcement duties, he or she must have successfully completed at least one of the following training courses:

- a) ADEC 40 - Hour Enforcement Course - this is a 40-hour course of instruction on the ADEC enforcement tools and procedures.
- b) ADEC Basic Enforcement Training - this is a three day course of instruction that replaced the ADEC 40-Hour Enforcement Course.
- c) EPA Basic Inspector Course - this is a three-day enforcement course taught by the Environmental Protection Agency. It is designed to explain the basic inspection and enforcement tools used by environmental regulatory agencies.
- d) Basic Environmental Investigations - this is a three-day course of instruction, taught by the Western States Project. It is designed to provide an introduction to the investigation of environmental violations.
- e) Advanced Environmental Investigations - this is a two week (80-hour) course of instruction, taught by the EPA at the Federal Law Enforcement Training Center (FLETC), designed to teach advanced investigation techniques to environmental regulators and criminal investigators.

A waiver to the above training requirements may be considered if the nominee has other enforcement training or experience that would otherwise qualify him/her to perform the enforcement duties. Waivers and justifications should be submitted to the director of Information and Administrative Services Division for issuance of credentials.

**Refresher / In-Service Training Requirements:** For department employees assigned enforcement duties, training is an important component of maintaining competency. Court decisions, laws, and department policies that affect the way we perform our duties often change.

In addition to meeting the basic training requirements mentioned above, each person assigned to inspection or enforcement duties is required to attend at least four hours of in-service or refresher enforcement training every three years.

If a person returns to enforcement duties after an absence of more than one year, she/he must attend an in-service/refresher course, or one of the above mentioned courses.

The Statewide Environmental Crimes Unit is responsible for providing environmental enforcement training for the ADEC regulatory staff. Given the limited number of staff in the Environmental Crimes Unit, the task of providing quality enforcement training would not be possible without the assistance of the Western States Project. Alaska is not unique in this regard.

#### 4. Environmental Crimes Unit

With the Western States Project, high quality training is possible because instructors from the various member states join together under the umbrella of the Western States Project to share their knowledge and resources.

**Table 4-4** The following in-state training classes were provided during FY 2000 – FY 2004:

<b>STATEWIDE ENVIRONMENTAL CRIMES UNIT ENFORCEMENT TRAINING CLASSES</b>			
<b>Course Title</b>	<b>Students</b>	<b>Dates</b>	<b>Type Students</b>
Environmental Crimes Awareness Training – Complaint Automated Tracking Systems (CATS)	24	18 February 2004	ADEC Regulatory Staff
Environmental Crimes Awareness Training – ADEC Enforcement Manual Update	25	18 February 2004	ADEC Regulatory Staff
Western States Project – Introduction to Environmental Enforcement	46	13-15 October 2003	ADEC Regulatory Staff & Department of Law Attorneys
Environmental Crimes Awareness Training – 2002 Enforcement Manual Updates	9	24 April 2003	ADEC Regulatory Staff
Western States Project – Environmental Case Development Course	74	10-12 June 2002	ADEC Regulatory Staff & Department of Law Attorneys
Environmental Crimes Awareness Training – Complaint Automated Tracking Systems (CATS)	10	26 October 2001	ADEC Regulatory Staff
Environmental Crimes Awareness Training – Enforcement Pitfalls, Administrative, Civil and Criminal Remedies	15	27 April 2001	ADEC Regulatory Staff
Environmental Crimes Awareness Training – Complaint Automated Tracking Systems (CATS) & Courtroom Testimony	20	9 February 2001	ADEC Regulatory Staff
Environmental Crimes Awareness Training – Complaint Automated Tracking Systems (CATS) & Courtroom Testimony	21	6 February 2001	ADEC Regulatory Staff
Environmental Crimes Awareness Training – For Law Enforcement Officers	30	20-21 February 2001	State and Local Law Enforcement Officers
Environmental Crimes Awareness Training – Complaint Automated Tracking Systems (CATS) &	27	16 November 2000	ADEC Regulatory Staff

#### 4. Environmental Crimes Unit

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Courtroom Testimony			
Environmental Crimes Awareness Training – Complaint Automated Tracking Systems (CATS) & Courtroom Testimony	29	26 October 2000	ADEC Regulatory Staff
Western States Project – Basic Environmental Investigations	71	10 – 12 April 2000	ADEC Regulatory Staff & Department of Law Attorneys
<b>Total Number Attending Training</b>	<b>401</b>		

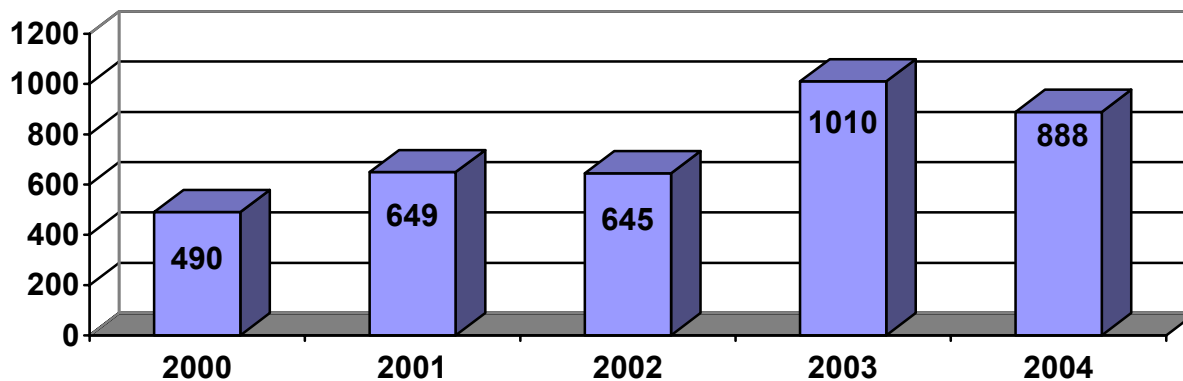
## 5. Department Enforcement Summary

### V. Department Summary

The below data summarizes the Alaska Department of Environmental Conservation's enforcement activities between fiscal years 2000 and 2004. This information was obtained from the Complaint Automated Tracking System (*C.A.T.S.*), the database used to track ADEC enforcement activities. The data in *C.A.T.S.* may only be partial information, since each ADEC program has responsibility for maintaining its official records. If there are questions concerning the program data, readers should contact the respective ADEC programs for their official records.

In reviewing the below data, it should be noted that in circumstances where the programs refer a complaint involving criminal enforcement to the Environmental Crimes Unit, a separate complaint is opened by ECU to documents and track the criminal investigation and subsequent enforcement action. Tracking of the original complaint is continued by the program to document any administrative or civil actions used to bring the violator into compliance. For this reason, complaints involving criminal enforcement may be documented twice, once by the referring program and once by the Environmental Crimes Unit.

### ***COMPLAINT INVESTIGATIONS BY FY***



*December 2, 2004*

Complaints documented in the *C.A.T.S.* database between 1 July 1999 and 30 June 2004.

## 5. Department Enforcement Summary

### **COMPLAINTS INVESTIGATED BY ADEC PROGRAMS**

December 2, 2004

<b>Table I.</b> Summary of complaints investigated by ADEC programs during each FY.						
<b>DIVISION / PROGRAM</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>5 Yr Avg</b>
<b>DIVISION OF AIR QUALITY</b>						
Air Non-Point Source & Mobile Sources	121	147	182	450	<b>243</b>	228.6
Air Permits Program	121	275	264	257	<b>217</b>	226.8
<b>Air Quality Totals</b>	<b>242</b>	<b>422</b>	<b>446</b>	<b>707</b>	<b>460</b>	<b>455.4</b>
<b>DIVISION OF WATER QUALITY</b>						
Wastewater Discharge Program*	61	70	66	73	<b>143</b>	82.6
Non-Point Sources Water Pollution Control	0	0	0	0	<b>6</b>	1.2
Facilities Unit	0	0	0	0	<b>0</b>	0
<b>Water Quality Totals</b>	<b>61</b>	<b>70</b>	<b>66</b>	<b>73</b>	<b>149</b>	<b>83.8</b>
<b>DIVISION ENVIRONMENTAL HEALTH</b>						
Food Safety & Sanitation Program	2	10	16	25	<b>49</b>	20.4
Drinking Water Program*	9	2	3	9	<b>44</b>	13.4
Solid Waste Program	26	17	6	11	<b>21</b>	16.2
Pesticides Program	0	0	1	0	<b>2</b>	0.6
<b>Environmental Health Totals</b>	<b>37</b>	<b>29</b>	<b>26</b>	<b>45</b>	<b>116</b>	<b>77.2</b>
<b>DIVISION SPILL PREVENTION AND RESPONSE</b>						
Industry Preparedness and Pipeline Program	19	6	7	9	<b>22</b>	12.6
Preparedness Emergency Response Program	53	57	28	72	<b>51</b>	52.2
Contaminated Sites Program	3	12	7	6	<b>12</b>	8
<b>Spill Prevention &amp; Response Totals</b>	<b>75</b>	<b>75</b>	<b>42</b>	<b>87</b>	<b>85</b>	<b>72.8</b>
<b>DIVISION OF INFORMATION AND ADMINISTRATIVE SERVICES**</b>						
<b>Environmental Crimes Unit</b>	<b>71</b>	<b>48</b>	<b>65</b>	<b>98</b>	<b>77</b>	<b>71.8</b>
Compliance Assistance Program ** & All other DIAS	4	5	0	0	1	2
<b>TOTAL</b>	<b>490</b>	<b>649</b>	<b>645</b>	<b>1010</b>	<b>888</b>	<b>735.4</b>

\* The current Wastewater Discharge Program was formed by moving the domestic wastewater section of the Division of Environmental Health and the Water Shed Management Program with the former Division of Air & Water Quality to the new Division of Water Quality. Therefore, some complaints previously documented under the Division of Air Quality or Environmental Health are now documented under the Division of Water Quality.

\*\* The Division of Statewide Public Service, which contained the Compliance Assistance Program and the Environmental Crimes Unit, was consolidated into the Division of Information and Administrative Services in 2003.

## 5. Department Enforcement Summary

### *ADEC COMPLAINT RESOLUTION*

December 2, 2004

**Table II.** Summary of complaint resolutions involving alleged violations of ADEC regulations, either reported to, or discovered by the department.

FY	COMPLAINTS	RESOLVED		UNRESOLVED		UNFOUNDED		OTHER	
2000	490	283	57.76%	63	12.86%	64	13.06%	80	16.33%
2001	649	392	60.40%	63	9.71%	59	9.09%	135	20.80%
2002	645	404	62.64%	61	9.46%	57	8.84%	121	18.76%
2003	1010	585	57.92%	253	25.05%	56	5.54%	116	11.49%
2004	888	471	53.04%	292	32.88%	65	7.32%	60	6.76%
5 Yr Avg	736.4	427	57.98%	146.4	19.88%	60.2	8.17%	102.4	13.91%

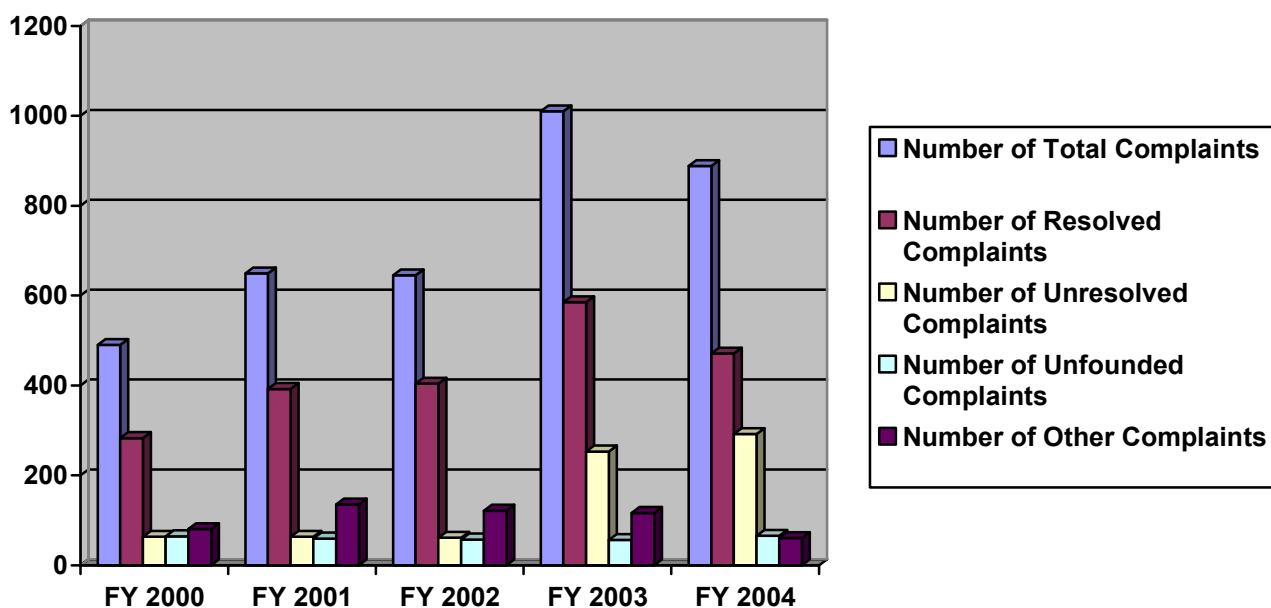
**Resolved** = A violation was confirmed, the responsible party was identified, and corrective action has been initiated to bring the violator into compliance.

**Unresolved** = Incident is under investigation to confirm a violation, or to identify the responsible party, or corrective action has not been taken. This number is usually higher during the current and prior years because many complaints are still under investigation.

**Unfounded** = A determination was made that a violation of ADEC statutes or regulations did not occur as alleged.

**Other** = Incident did not involve violations in which ADEC had a responsibility to enforce.

### *Complaint Resolutions*



The above chart and table reflect the number of complaints received and documented in CATS by all ADEC programs.



## 5. Department Enforcement Summary

### ***ADEC ADMINISTRATIVE AND CIVIL ENFORCEMENT ACTIONS***

*December 2, 2004*

#### ***FISCAL YEAR 2000***

**Table III-a.** Summary of administrative and civil enforcement actions taken by the Alaska Department of Environmental Conservation during FY 2000.

<b>ADEC DIVISION</b>	<b>NOV</b>	<b>NAO</b>	<b>NOC</b>	<b>COBC</b>	<b>NOD</b>	<b>PR</b>	<b>SEP</b>	<b>AD</b>	<b>EO</b>	<b>CS</b>	<b>TOTAL</b>
<b>Division of Air Quality</b>	61	0	0	15	0	1	1	0	0	0	<b>78</b>
<b>Environmental Health</b>	2	0	0	0	0	0	0	0	0	0	<b>2</b>
<b>Spill Prevention and Response</b>	16	0	0	8	0	0	3	0	0	3	<b>30</b>
<b>Division of Water Quality</b>	9	0	0	2	0	0	0	0	0	0	<b>11</b>
<b>FY 2000 Total ADEC</b>	<b>88</b>	<b>0</b>	<b>0</b>	<b>25</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>121</b>

NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral

**Note:** More than one enforcement action may have been taken in a single complaint.

#### ***FISCAL YEAR 2001***

**Table III-b.** Summary of administrative and civil enforcement actions taken by the Alaska Department of Environmental Conservation during FY 2001.

<b>ADEC DIVISION</b>	<b>NOV</b>	<b>NAO</b>	<b>NOC</b>	<b>COBC</b>	<b>NOD</b>	<b>PR</b>	<b>SEP</b>	<b>AD</b>	<b>EO</b>	<b>CS</b>	<b>TOTAL</b>
<b>Division of Air Quality</b>	141	1	0	13	0	0	2	0	0	14	<b>171</b>
<b>Environmental Health</b>	4	0	0	1	2	1	0	0	0	2	<b>10</b>
<b>Spill Prevention and Response</b>	17	0	0	2	0	0	1	1	0	3	<b>24</b>
<b>Division of Water Quality</b>	5	0	0	2	0	0	0	0	0	0	<b>7</b>
<b>FY 2001 Total ADEC</b>	<b>167</b>	<b>1</b>	<b>0</b>	<b>18</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>19</b>	<b>212</b>

NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral

**Note:** More than one enforcement action may have been taken in a single complaint.

## 5. Department Enforcement Summary

### *FISCAL YEAR 2002*

**Table III-c.** Summary of administrative and civil enforcement actions taken by the Alaska Department of Environmental Conservation during FY 2002.

ADEC DIVISION	NOV	NAO	NOC	COBC	NOD	PR	SEP	AD	EO	CS	TOTAL
Division of Air Quality	161	0	0	11	0	0	2	0	0	13	187
Environmental Health	8	0	1	1	5	4	0	0	0	5	24
Spill Prevention and Response	14	0	0	3	0	0	1	0	0	4	22
Division of Water Quality	6	0	0	2	0	0	0	0	0	0	8
<b>FY 2002 Total ADEC</b>	<b>189</b>	<b>0</b>	<b>1</b>	<b>17</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>22</b>	<b>241</b>

NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral

**Note:** More than one enforcement action may have been taken in a single complaint.

### *FISCAL YEAR 2003*

**Table III-d.** Summary of administrative and civil enforcement actions taken by the Alaska Department of Environmental Conservation during FY 2003.

ADEC DIVISION	NOV	NAO	NOC	COBC	NOD	PR	SEP	AD	EO	CS	TOTAL
Division of Air Quality	415	0	0	3	0	0	0	0	0	6	424
Environmental Health	17	0	2	1	6	5	0	0	0	0	31
Spill Prevention and Response	12	1	0	1	0	2	2	0	0	4	22
Division of Water Quality	2	0	0	1	0	1	0	0	0	0	4
<b>FY 2003 Total ADEC</b>	<b>446</b>	<b>1</b>	<b>2</b>	<b>6</b>	<b>6</b>	<b>8</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>10</b>	<b>481</b>

NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral

**Note:** More than one enforcement action may have been taken in a single complaint.

## 5. Department Enforcement Summary

### *FISCAL YEAR 2004*

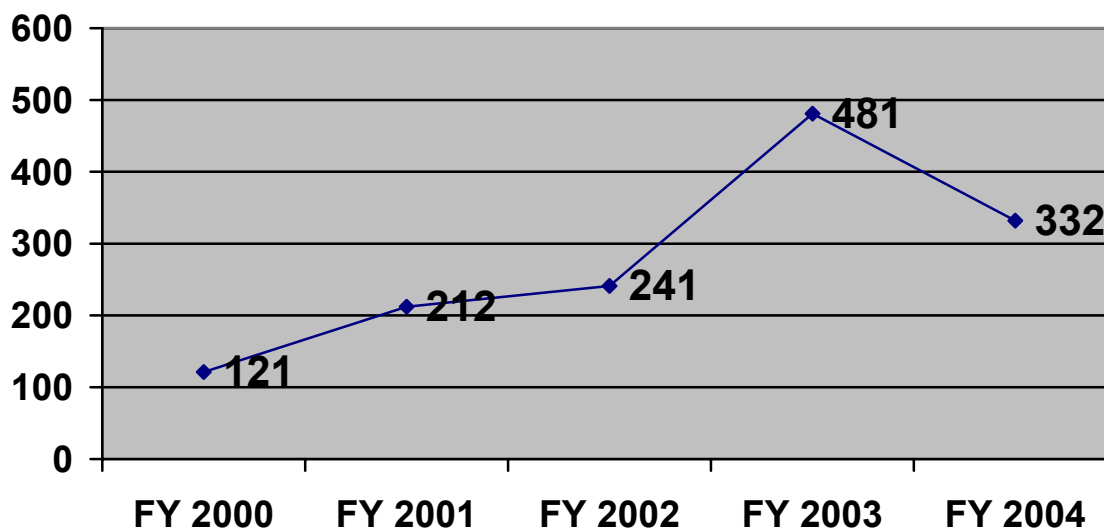
**Table III-e.** Summary of administrative and civil enforcement actions taken by the Alaska Department of Environmental Conservation during FY 2004.

ADEC DIVISION	NOV	NAO	NOC	COBC	NOD	PR	SEP	AD	EO	CS	TOTAL
Division of Air Quality	186	0	0	5	0	0	0	0	0	2	193
Environmental Health	87	0	5	0	6	0	0	0	0	1	99
Spill Prevention and Response	28	0	0	0	0	0	0	0	0	4	32
Division of Water Quality	6	0	0	2	0	0	0	0	0	0	8
<b>FY 2004 Total ADEC</b>	<b>307</b>	<b>0</b>	<b>5</b>	<b>7</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>332</b>

NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral

**Note:** More than one enforcement action may have been taken in a single complaint.

### Total ADEC Enforcement Actions for FY 2000 - FY 2004

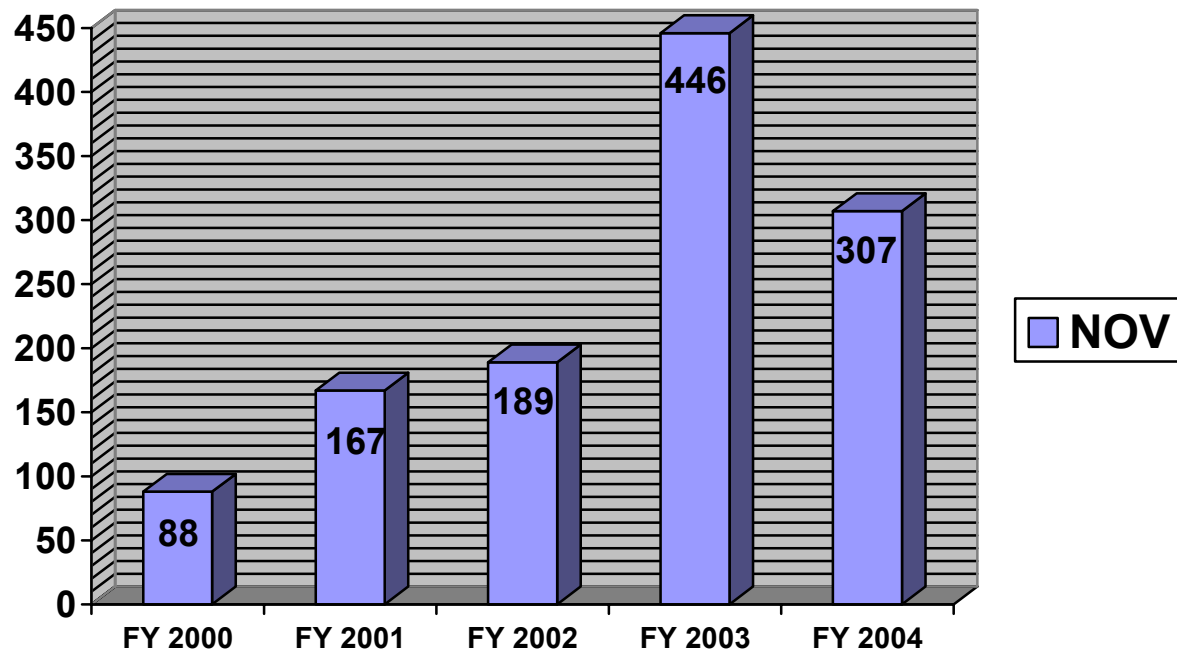


**Note:** The above chart depicts the trend in ADEC's overall administrative and civil enforcement program. The spike in FY 2003 is attributable to air quality (I/M) enforcement initiatives that were ongoing in Anchorage and Fairbanks. The Fairbanks initiative ended in FY 2004.

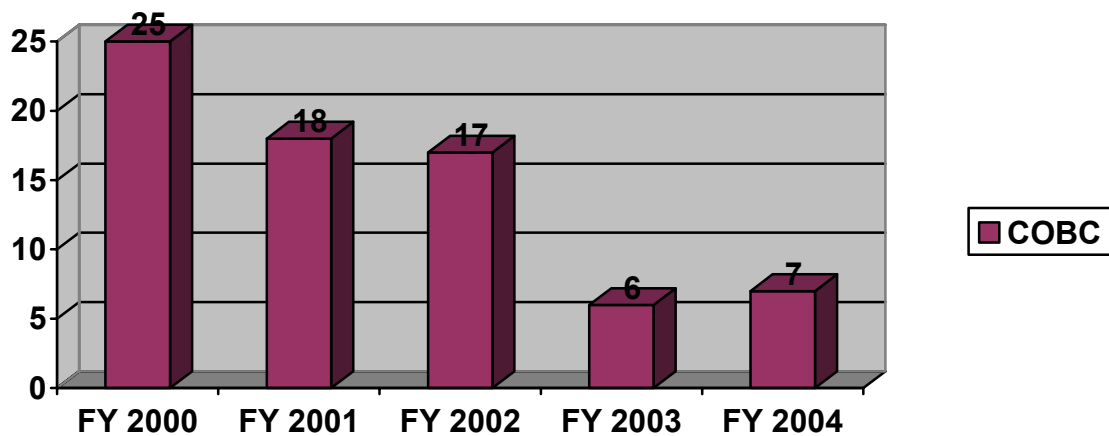
## 5. Department Enforcement Summary

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**Notice of Violations Issued By Fiscal Year**



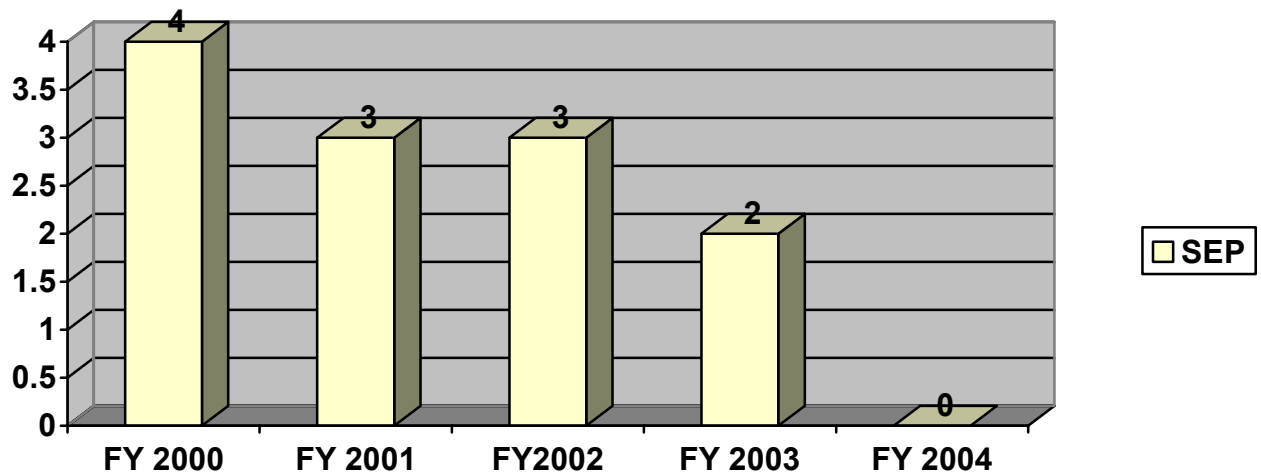
**Compliance Orders By Consent Issued By Fiscal Year**



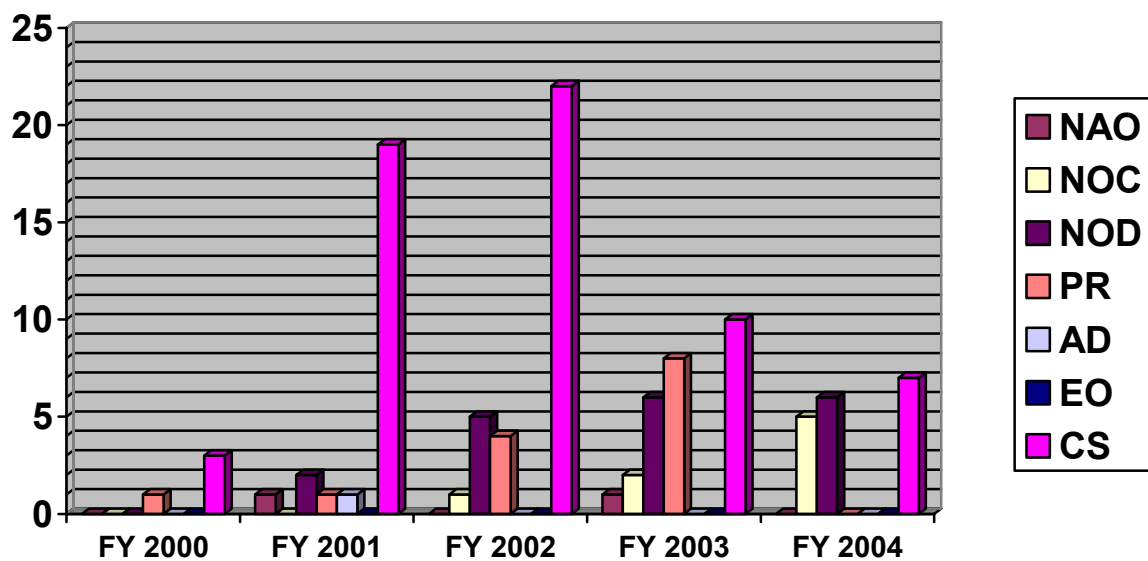
## 5. Department Enforcement Summary

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**Supplemental Environmental Projects By Fiscal Year**



**Other Administrative & Civil Enforcement Actions By  
Fiscal Year  
(Not Including NOV, COBCs or SEPs)**



NOV= Notice of Violation; NAO= Nuisance Abatement Order; NOC= Notice of Closure; COBC= Compliance Order By Consent; NOD= Notice of Detention; PR= Permit Revocation or Suspension; SEP= Supplemental Environmental Project; AD= Administrative Cost Recovery or Penalty; EO= Emergency Order; CS= Civil Referral

## 5. Department Enforcement Summary

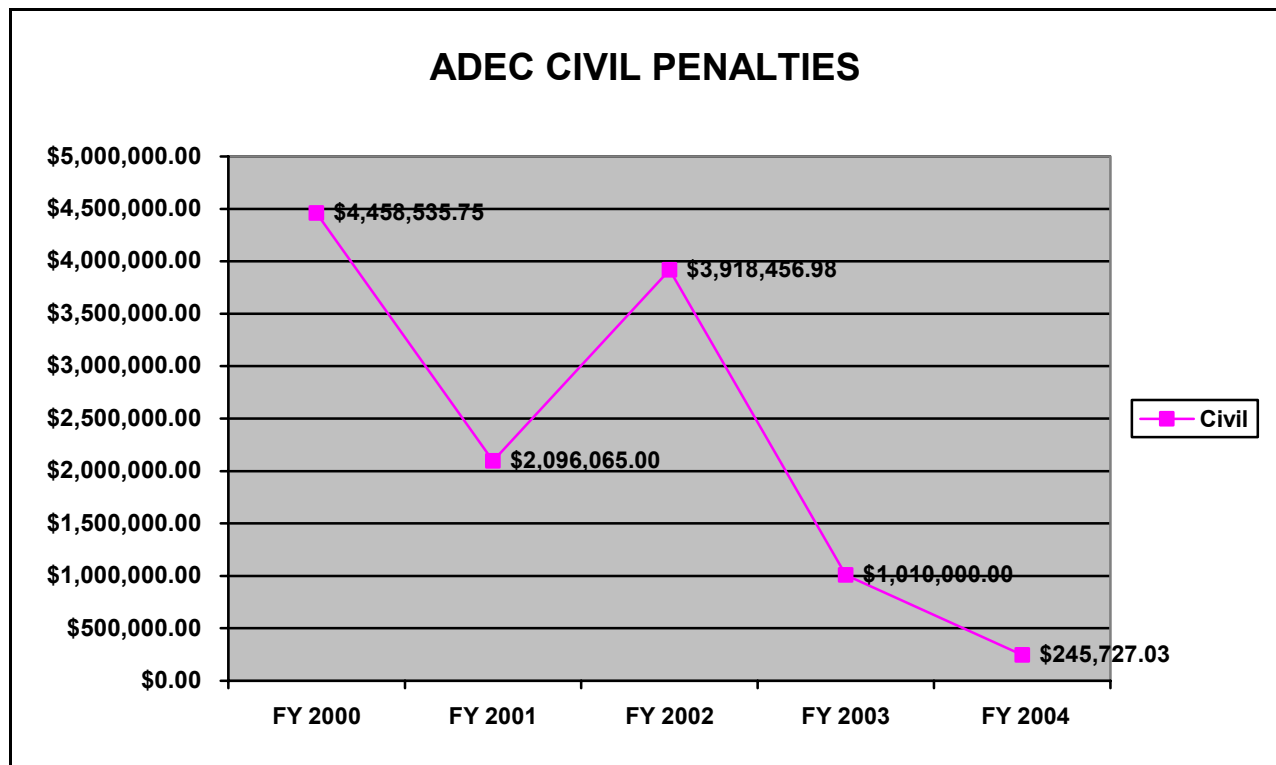
### ***ADEC PENALTY STATISTICS***

*December 2, 2004*

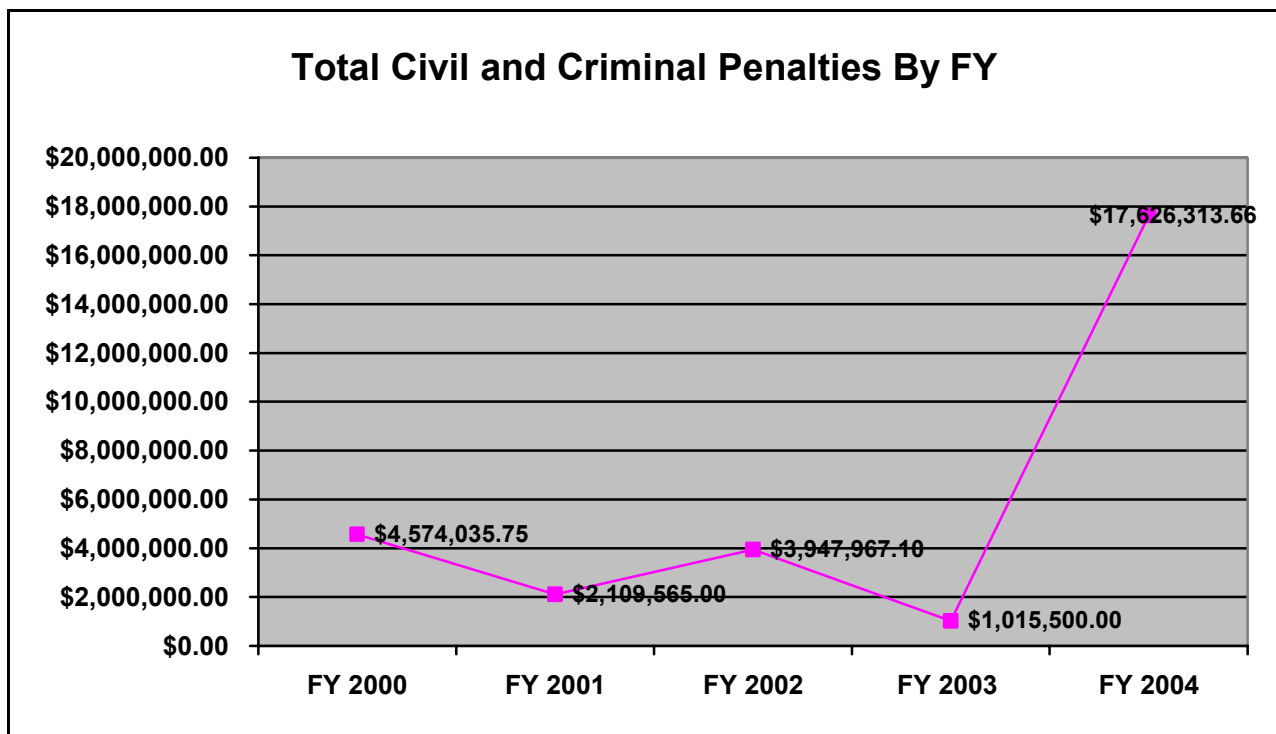
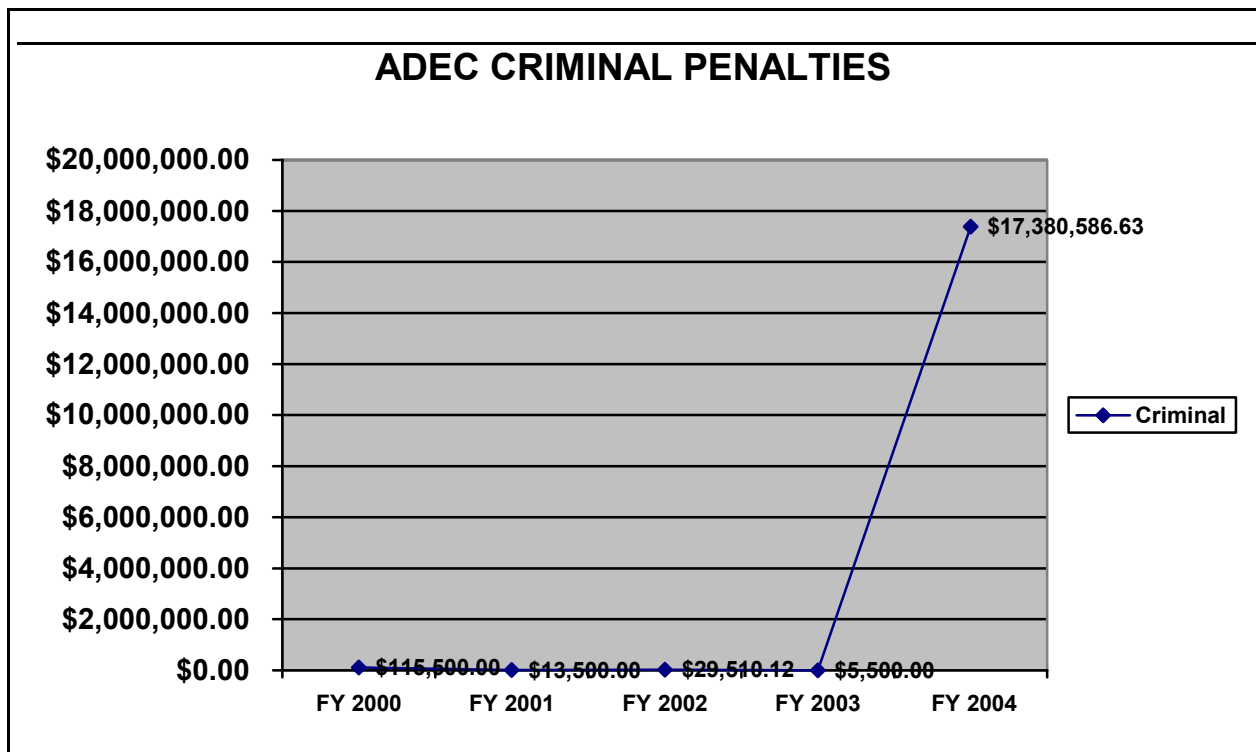
**Table IV.** Summary of criminal and civil penalties for cases concluded during each fiscal year.

FY	Criminal Fines & Civil Penalties			Jail Time (Days)		Probation (Years)
	Criminal	Civil	Total	Imposed	Suspended	
2004	\$17,380,586.63	\$245,727.03	\$17,626,313.66	655	650	9
2003	\$5,500.00	\$1,010,000.00	\$1,015,500.00	0	0	5
2002	\$29,510.12	\$3,918,456.98	\$3,947,967.10	9,855	0	10
2001	\$13,500.00	\$2,096,065.00	\$2,109,565.00	0	0	5
2000	\$115,500.00	\$4,458,535.75	\$4,574,035.75	600	510	20
<b>Total</b>	<b>\$17,544,596.75</b>	<b>\$11,728,784.76</b>	<b>\$29,273,381.51</b>	<b>11,110</b>	<b>1160</b>	<b>49</b>

**Note:** Civil penalties also reflect criminal cases that were settled civilly.

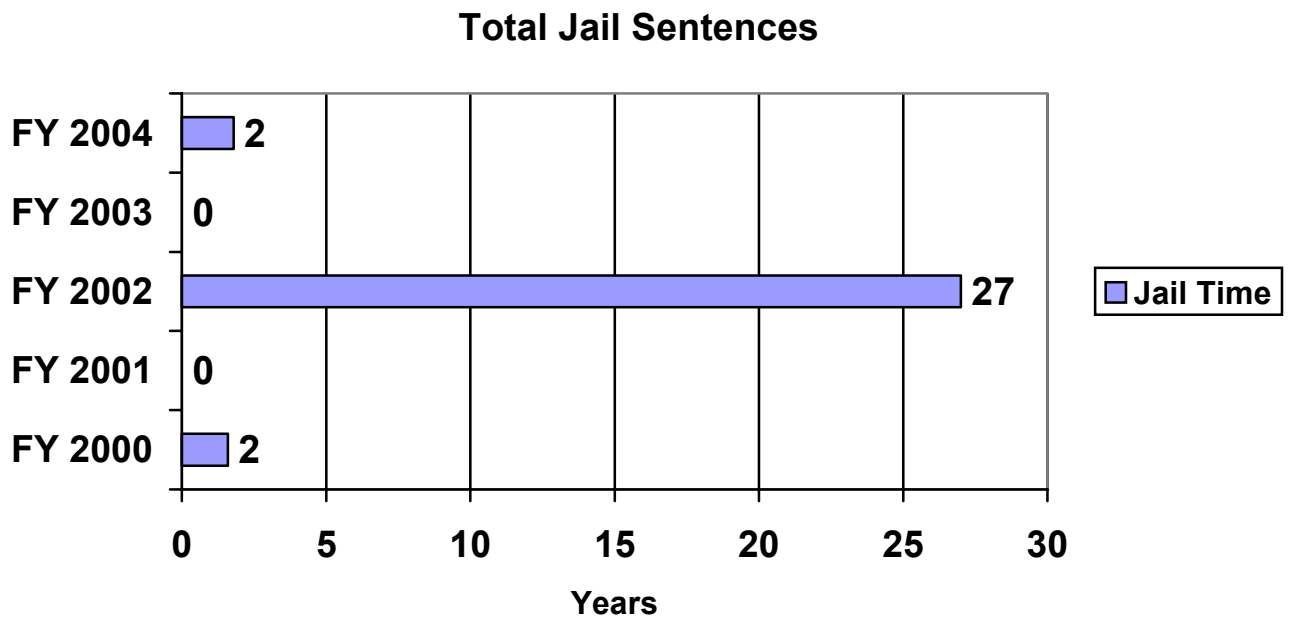


## 5. Department Enforcement Summary



## 5. Department Enforcement Summary

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*December 2, 2004*